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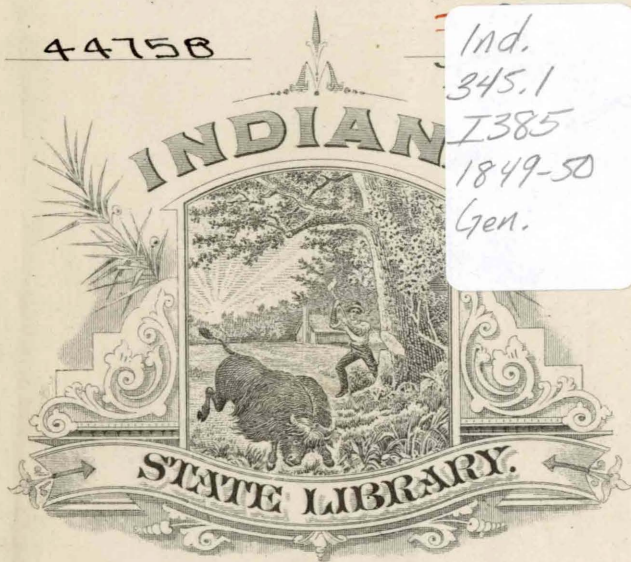
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1849-50

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Wm. D. Burdett. LITH. 1855.

GENERAL LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

THIRTY-FOURTH SESSION

OF THE

GENERAL ASSEMBLY.

~~~~~  
BY AUTHORITY.  
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INDIANAPOLIS:
JOHN D. DEFREES, STATE PRINTER,
1850.

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GENERAL LAWS.

CHAPTER I.

AN ACT to amend article 5, chapter 48, of the Revised Statutes.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Writs of *ad quod damnum* extended to removal of obstructions below mills, &c.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of article 5, chapter 48, of the Revised Code, directing the manner of issuing and effect of writs *ad quod damnum*, be, and the same are hereby extended, so that they may be used with the same effect in the removing of obstructions below mills and manufactories; as to the condemning of lands for the erection of mills and dams.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER II.

AN ACT to modify the Agency of State, and reduce the expenses thereof.

[APPROVED, JANUARY 14, 1850.]

SECTION

1. The Treasurer of State to furnish necessary funds in New York, to pay interest on public debt.
2. Compensation of State Agent.

SECTION

4. The manner in which the State Agent shall make quarterly report.
5. The Governor to fill vacancies.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall hereafter be the duty of the Treasurer of State

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to furnish to the Agent of State, in the city of New York, in time for the payment of the interest on the public debt to be paid by this State, such sum or sums of money as may be necessary therefor.

Sec. 2. For the payment of the annual salary of the Agent of State, the office expenses, expenses of traveling, and all personal charges of said Agent, including clerk hire and all other expenses to execute the duties of said Agency, except the necessary charges for stationery and postage, the sum of two thousand five hundred dollars is hereby appropriated to be paid out of the Treasury of State, upon the proper requisition of said Agent.

Sec. 3. Any certificate or certificates, either State or Wabash and Erie Canal, with the seal of the State upon it or them, signed by D. Maguire, Auditor, and Samuel Hannah, Treasurer of State, or their successors in office, and countersigned by the proper Agent of State, shall be as obligatory upon this State, as if the same had the signature of the Auditor and Treasurer of State, in office at the respective dates of such certificate or certificates.

Sec. 4. The Agent of State is hereby required to report, in detail, quarterly, to the Auditor of State, the precise amount and number of certificates issued, outstanding, to whom issued, the amount issued outstanding, to each person or persons; also the amount of bonds and coupons surrendered and cancelled, specifying the amount of each separately, and it is hereby made the duty of the present incumbent, at the close of his term of office, to make a similar report to the Auditor of State.

Sec. 5. In case of the death, resignation, or refusal to serve, of the Agent of State, the Governor is hereby authorized and empowered to appoint some suitable person to act as Agent of State, who shall serve as such until the meeting of the next legislature, and who shall execute bond payable to the State of Indiana, and take an oath of office, as are now required of the Agent of State.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER III.

AN ACT making general appropriations for the year 1850.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Appropriation for expenses of the State Government.
2. Appropriation for expenses of the Convention.

SECTION

3. Revenue for benevolent institutions, to be expended under the respective laws, on these subjects.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of meeting the expenses of the State Government for the year 1850, the following sums are hereby appropriated, to-wit: for the General Assembly, twenty-eight thousand dollars; for the judiciary, sixteen thousand five hundred dollars; for the executive officers, five thousand dollars; for the public printing and binding, six thousand five hundred dollars; for probate judges, four thousand five hundred dollars; for specific appropriations, two thousand five hundred dollars; for stationery and fuel, three thousand five hundred dollars; for the State Prison, two thousand five hundred dollars; for the distribution of the laws and journals, five hundred dollars; for the expenses of the militia, two hundred dollars; for the State Library, eight hundred dollars; for the State House, (under the direction of the State Librarian,) two hundred dollars; for the Governor's house, one thousand dollars; for the Governor's circle, five hundred dollars; for transportation and preservation of the public arms, one hundred dollars; for the contingent fund, five hundred dollars.

Sec. 2. *Be it further enacted*, That the sum of forty thousand dollars is hereby appropriated to defray the expenses of the Convention to new model and amend the Constitution of the State of Indiana.

Sec. 3. That the sums respectively assessed by the revenue law of this session, for the benefit of the Indiana Hospital for the Insane, the Asylum for the Deaf and Dumb, and for the education of the Blind, be, and the same are hereby appropriated to be expended under the respective laws on those subjects.

Sec. 4. This act to be in force from and after its passage.

CHAPTER IV.

AN ACT *making specific appropriations for the year 1850.*

[APPROVED, JANUARY 19, 1850.]

SECTION

1. Secretaries and Clerks of Senate and House of Representatives and Assistants.
2. B. F. Wallace.
3. Door-keeper and Assistant Door-keeper.
4. Samuel Hannah.
5. David Reynolds.
6. James B. Tyler.
7. Reuben N. Tyler.
8. Michael Shea.
9. A. S. White and W. W. Wick.
10. Henry W. Nelson.
11. F. T. Butler.
12. D. Maguire.
13. John W. Dodd.
14. Willett Bullett.
15. Chapmans & Spann.
16. John D. Defrees.
17. John E. Kingsbury.
18. J. B. Fetler.
19. J. P. Mickle.
20. W. Robson.
21. The Clerk of the Tippecanoe Circuit Court.
22. Kellogg & Yandes.
23. Thomas B. Walker.
24. Purnell & Hanna.
25. Morrison & Talbott.
26. Andrew Wallace.
27. David Craighead.
28. Yandes & Kellogg.
29. W. H. Churchman.

SECTION

30. C. S. Horton.
31. Julius Boeltecker.
32. C. & J. Cox.
33. R. Mayhew.
34. Weaver & Williams.
35. Joseph A. Messick.
36. Noel & Co.
37. Hood & Noble.
38. Joseph A. Messick.
39. Harvey Perry.
40. F. T. Butler.
41. Secretary of the Senate and Clerk of the House of Representatives.
42. William C. Tarkington.
43. John Elder.
44. Douglass & Elder.
45. G. W. Carr.
46. Elliott N. Bowman.
47. David Cody.
48. Nathaniel F. Cunningham.
49. D. M. Jones.
50. Jacob Corman.
51. Clerk of Marion Circuit Court.
52. Michael Lonergan.
53. N. B. Palmer and M. & I. Little.
54. President of the Senate and J. G. Read.
55. J. J. Cummins.
56. John Brown.
57. F. T. Butler.
58. E. Browning.
59. John Greene and Thomas T. Crittenden.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant Secretary of the Senate and the principal and assistant clerks of the House of Representatives shall each be allowed the sum of four dollars per day for every day they may have served as such during the present session, and that such assistants as may have been necessarily employed by any of the aforesaid secretaries and clerks, be allowed the sum of four dollars for each day so employed, to be ascertained and certified by the Secretary of the Senate and clerk of the House of Representatives respectively.

Sec. 2. That B. F. Wallace be allowed the sum of four dollars per day for services as clerk to the committee of ways and means, to be ascertained and certified by the chairman of the committee of ways and means.

Sec. 3. That the door-keeper of the Senate and the door-keeper of the House of Representatives shall be allowed the sum of three dollars per day for each day they may have served as such, to be certified by the presiding officers of the respective branches of the General Assembly; and the assistant door-keepers of the Sen-

ate and House of Representatives shall each be allowed the sum of three dollars per day for every day they may have served as such, to be computed by their principals and certified in the same manner as that of their principals.

Sec. 4. That Samuel Hannah be allowed the sum of three hundred dollars, for three years' services as superintendent of common schools.

Sec. 5. That David Reynolds be allowed the sum of fifty-five dollars and seventy-three cents for office rent, fuel, and stationery, for Adjutant General's office for the year 1849.

Sec. 6. That James B. Tyler be allowed the sum of nine dollars, for three days' services rendered in fitting up the Hall of House of Representatives, and making fires previous to and at the commencement of the present session.

Sec. 7. That Reuben N. Tyler be allowed the sum of nine dollars for three days' services rendered in fitting up the Hall of the House of Representatives, and making fires previous to and at the commencement of the present session.

Sec. 8. That Michael Shea be allowed the sum of three dollars per day for work done about the State House during the present session of the Legislature, lighting lamps at the gate and in the State House, making fires in the Governor's room and rooms of State Library, to be certified by the State Librarian.

Sec. 9. That Albert S. White and William W. Wick be allowed each the sum of three hundred dollars for professional services in prosecuting the pleas of the State in the case of Baird against the State.

Sec. 10. That Henry W. Nelson be allowed the sum of one dollar and seventy-five cents for repairs in Governor's room.

Sec. 11. That F. T. Butler be allowed the sum of one hundred and twenty six dollars for carrying a requisition from the Governor of this State to the Governor of Kentucky, for the person of John T. Gray, a refugee from justice.

Sec. 12. That D. Maguire be allowed the sum of one hundred and twenty-five dollars for furnishing sales of canal lands to the counties in which they lie.

Sec. 13. That John W. Dodd be allowed the sum of twenty-five dollars for storage and transportation of public arms.

Sec. 14. That Willett Bullett be allowed the sum of three hundred dollars for services as an attorney for the State in the case of Patrick McGinley *vs.* the State of Indiana.

Sec. 15. That Chapmans & Spann be allowed the sum of four hundred and sixty-eight dollars for papers furnished the members for distribution.

Sec. 16. That John D. Defrees be allowed the sum of four hundred and sixty eight dollars for papers furnished the members for distribution.

Sec. 17. That John E. Kingsbury be allowed the sum of two

dollars for repairing clock in the Hall of the House of Representatives.

Sec. 18. That J. B. Fetler be allowed the sum of thirty-six dollars for repairing speaker's chair, clerk's desk, furnishing locks, &c.

Sec. 19. That J. P. Mickel be allowed the sum of nineteen dollars and seventy cents for graveling in front of the property owned by the State, on Alabama street.

Sec. 20. That W. Robson be allowed the sum of two dollars and fifty cents, for horse hire used in summoning witnesses.

Sec. 21. That the Clerk of the Tippecanoe Circuit Court be allowed the sum of thirteen dollars and fifty cents for making out the record in the case of the State of Indiana vs. J. and J. W. Beard, which was appealed to the Supreme Court.

Sec. 22. That Kellogg and Yandes be allowed the sum of one hundred and thirty-three dollars and seventy-two cents, for articles furnished the Governor's House during the year 1849.

Sec. 23. That Thomas B. Walker, of Floyd county, be allowed forty-five dollars and twenty-three cents for services and expenses for serving a requisition from the Governor to the State of Kentucky for the persons of William Wells and David McFadden.

Sec. 24. That Purnell and Hannah be allowed the sum of four dollars and sixty-three cents, for articles furnished the General Assembly.

Sec. 25. That Morrison and Talbott be allowed the sum of fifty-eight dollars and fifteen cents for ink, inkstands, pens, penholders, envelopes, wafers, &c., furnished the General Assembly.

Sec. 26. That Andrew Wallace be allowed the sum of sixty-two dollars and fifty-five cents for candles, &c., furnished the Legislature.

Sec. 27. That David Craighead be allowed the sum of fifteen dollars and forty-one cents, for sundries furnished the Legislature.

Sec. 28. That Yandes and Kellogg be allowed the sum of nineteen dollars seventy-five cents, for sundries furnished the Legislature.

Sec. 29. That W. H. Churchman, Superintendant of the Institute for the Blind, be allowed the sum of five dollars and twelve cents, for brooms furnished the Legislature.

Sec. 30. That C. S. Horton be allowed nine dollars for three days' services as doorkeeper before the organization of the House of Representatives.

Sec. 31. [That] Julius Boettecker be allowed the sum of one hundred and thirty-three dollars for papers furnished the General Assembly.

Sec. 32. That C. and J. Cox be allowed three dollars and twenty-two cents for sundries furnished the Legislature.

Sec. 33. That R. Mayhew be allowed the sum of nine dollars and eighty cents for articles furnished the Legislature.

Sec. 34. That Weaver and Williams be allowed four dollars and fifty cents for stand, locks, &c., furnished the Legislature.

Sec. 35. That Joseph A. Messick be allowed fifty cents for paper blinds furnished the Senate.

Sec. 36. That Noel & Co. be allowed ten dollars and twenty-five cents for candles furnished the Senate.

Sec. 37. That Hood and Noble be allowed four dollars and eighty cents for pens, penholders, &c., furnished the Senate.

Sec. 38. That Joseph A. Messick be allowed one dollar and thirteen cents for nails, shot, &c., purchased for the use of the Senate.

Sec. 39. That Harvey Perry be allowed forty dollars for attending to State House yard, &c.

Sec. 40. That F. T. Butler be allowed fifty dollars for services as visitor to the State Prison and making report for the year 1849.

Sec. 41. That the Secretary of the Senate, and the Clerk of the House of Representatives, be allowed the sum of fifty dollars each for indexing the journals of their respective Houses.

Sec. 42. That William C. Tarkington, Executive messenger, be allowed three dollars per day for every day he may have served as such, to be certified by the Governor.

Sec. 43. That John Elder be allowed the sum of eight dollars for a draft and estimate furnished the select committee to inquire into the propriety of selling State property in the city of Indianapolis, and erecting offices for public officers of the State.

Sec. 44. That Douglass and Elder be allowed the sum of twenty-six dollars for furnishing the Locomotive to members of the General Assembly during the present session.

Sec. 45. That the Hon. G. W. Carr, be allowed eight dollars for postage paid, as Speaker of the House of Representatives during the present session.

Sec. 46. That Elliot N. Bowman be allowed the sum of eight dollars for services rendered as clerk to the committee on the judiciary.

Sec. 47. That David Cody be allowed the sum of seventy-five cents for two bolts of ribbon bought for the use of the House of Representatives.

Sec. 48. That the Treasurer of State is hereby authorized to refund to Nathaniel F. Cunningham, Treasurer of the county of Vigo, the sum of seventeen dollars, for taxes erroneously paid by him into the State treasury, or otherwise, if the Treasurer of State shall become satisfied of the same.

Sec. 49. That D. M. Jones be allowed twenty-six dollars for services rendered the select committee in comparing and copying State Bonds.

Sec. 50. That Jacob Corman be allowed the sum of nine dollars for attendance three days as witness before the committee on canals and internal improvements.

Sec. 51. That the Clerk of the Marion Circuit Court be allowed fifty four dollars and sixty four cents as costs in two cases of the State of Indiana vs. The Morris Canal and Banking Company.

Sec. 52. That the sum of ten dollars and fifty cents be allowed Michael Lonergan for three days and a half services as assistant doorkeeper in the Senate at the commencement of this session.

Sec. 53. That N. B. Palmer be allowed two dollars for omnibus service rendered committee on benevolent institutions; and that M. & I. Little shall be allowed two dollars and twenty-five cents for omnibus service rendered the same committee.

Sec. 54. That eight dollars be allowed the President of the Senate for postage paid on official papers during the present session, and that James G. Read be allowed the sum of two dollars for postage paid on official papers at last session of the Senate.

Sec. 55. That John J. Cummins be allowed the sum of one hundred and twenty-eight dollars, for his services as one of the arbitrators in the case of Patrick McGinley vs. the State of Indiana.

Sec. 56. That John Brown be allowed and paid the sum of one hundred and twelve dollars, for his services as one of the arbitrators in the case of Patrick McGinley against the State of Indiana.

Sec. 57. That the Treasurer of State pay to F. T. Butler one hundred and fifty dollars for his services as arbitrator in the McGinley case, and for bringing depositions from New Albany to Indianapolis.

Sec. 58. That the sum of sixty two dollars and fifty cents be allowed to E. Browning, for entertaining volunteers enlisted in the war of the United States against Mexico.

Sec. 59. That John Greene of Tipton county be allowed fifty dollars for prosecuting the pleas of the State, in the case of the State against Samuel Clark for the murder of Louisa Griffin, in the Scott Circuit Court at the August term 1848. Also that Thomas T. Crittenden of Jefferson county, be allowed the sum of fifty dollars, in the same case, and at the same time, and for the same service.

CHAPTER V.

AN ACT to provide for the election of Township Assessors, in the county of Steuben.

[APPROVED JANUARY 18, 1850.]

SECTION

1. In Steuben county—general law for election of county assessors repealed.
2. Township assessors, when and how elected, and term of office.
3. To give bond—oath.

SECTION

4. Returns of, when and to whom made.
5. Vacancies how filled.
6. Compensation, and how allowed.
7. Election of, how certified.
8. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the law as authorizes and requires the election of a county assessor in and for the county of Steuben, is hereby repealed.

Sec. 2. There shall be elected in the county of Steuben, on the first Monday of August, A. D. 1850, and thereafter annually, one assessor in and for each township of said Steuben county, by the qualified voters thereof respectively. Such assessors shall hold their offices one year from the date of their election, only, and shall within their respective townships do and perform all such duties as now are required by law to be done and performed by the county assessor of said Steuben county.

Sec. 3. Before entering upon the duties of their respective offices and within eight weeks of their election, said township assessors shall each give bond, payable to the State of Indiana, in the penal sum of five hundred dollars, conditioned for the faithful performance by them of their respective duties, which bond shall be approved of by the Board of Trustees of the several townships where such assessors reside, and shall also take the customary oath of office, which said oath subscribed by said assessors shall be endorsed on their respective official bonds, and shall be filed with the several boards of township trustees.

Sec. 4. Said assessors shall return a list of all the taxable property in their respective townships to the Auditor of said Steuben county, on or before the first Monday in May succeeding their election, which said lists shall by the Auditor be laid before the Board of Commissioners of said county, sitting as a board of equalization of the assessments so made and returned.

Sec. 5. In case any vacancy from any cause whatsoever shall occur in the office of any assessor to be elected under this act, the board of township trustees, where such vacancy occurs, shall appoint some suitable person to act as such assessor, who shall be governed in all respects by the provisions of this act.

Sec. 6. Said township assessors shall under oath, render to their respective boards of township trustees a just and true account of the services by them done and performed in their capacity of as-

sessors, and for such services shall receive compensation at the rate of one dollar and twenty-five cents per day, to be paid out of the treasury of the respective townships, as other township debts are paid.

Sec. 7. Regular returns of the votes given in the several townships for assessor, shall be made by the judges of elections, as in the case of other officers voted for, and it shall be the duty of the clerk of the Steuben Circuit Court, within thirty days after the opening and counting out said returns, to make out an official certificate of the election of such persons in each township, as have the highest number of votes for said office of assessor, and transmit the same to the persons so elected.

Sec. 8. All laws and parts of laws conflicting with the provisions of this act are hereby repealed.

Sec. 9. This act shall be in force from and after its passage.

CHAPTER VI.

AN ACT providing for the election of Township Assessors in the counties of Greene and Hamilton.

[APPROVED, JANUARY 18, 1850.]

SECTION

1. In Greene and Hamilton counties, where and how elected—term of service.
2. Sheriff to give 20 days' notice of election—election, how conducted—duties of clerk of circuit court.
3. To give bond—oath.
4. Vacancies, how filled—appointees to file bond, &c., as if elected.

SECTION

5. Penalty for neglect of duty.
6. Compensation, and how allowed.
7. Clerks, treasurers, and assessors, how governed.
8. Clerks of circuit court, intended to mean, &c.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That in each township in the counties of Greene and Hamilton there shall be elected therefor, by the qualified voters thereof, one assessor, on the first Monday of April, immediately preceding the expiration of the term of service of the present assessors of said counties, and biennially thereafter. Such assessors shall hold their office for two years, and until their successors in office shall be elected and qualified, and shall discharge all the duties that are now required, or which may be hereafter required by law to be performed by assessors.*

Sec. 2. The sheriffs of said counties, at least twenty days' before the time for holding said first election, shall put up in three of the most public places in each of said townships written notices

containing the time, place, and object of holding said election; and said election shall in all things be conducted as other township elections are conducted. The judges of said elections shall certify the person receiving the highest number of votes to the clerk of the circuit court of said counties, whereupon a certificate of election shall be issued by said clerk to the persons elected; and said clerk shall furnish said assessors with the necessary stationery and blank books and forms to enable them to assess their respective townships.

Sec. 3. Each township assessor, before he enters upon the duties of his office, shall give bond with good security, to be accepted by the board doing county business for said counties, or if it should not be in session in proper time, by the said clerk of the circuit court, in the penalty of three hundred dollars, payable to the State of Indiana, conditioned that said assessors shall honestly and faithfully discharge the duties of his office according to law, and such assessor shall at the same time take an oath or affirmation, to be administered by said clerk and endorsed on said bond, that he will honestly and faithfully discharge the duties of his office to the best of his skill and ability, and the bond so endorsed shall be recorded by the said clerk in the order book of said board, and the original be filed away and faithfully preserved by said clerk.

Sec. 4. If any assessor shall not give bond and take the oath or affirmation as required in this act, within ten days after he shall have received his certificate of election aforesaid, his office of assessor shall be considered vacant, and the said clerk shall fill the vacancy thus occasioned by appointment, which appointment, and the proceedings thereon, he shall lay before the said board doing county business, and in all cases in which any vacancy in said office of assessor shall occur by death or otherwise, such vacancy shall be filled by said clerk by appointment; and he shall report such appointments as above required, and the assessors thus appointed shall in all things be governed by the provisions of this act in giving bond and in all other respects.

Sec. 5. If any township assessor shall be guilty of a neglect of any of the duties now prescribed, or which may be hereafter prescribed by law, such assessor shall, upon conviction thereof upon presentment or indictment, be fined in any sum not exceeding one hundred dollars, at the discretion of the jury trying the same, for the use of the county seminary of said county.

Sec. 6. Said assessors shall be allowed for each day necessarily employed as such in the discharge of their duties the sum of one dollar and fifty cents, which amount shall be paid out of the county treasury of said county. Said assessors shall make out their accounts in detail, giving the date of each day which they shall have been employed, which account they shall verify under oath, and the board doing county business, if they shall find such account to be correct, shall allow the same, but in no case shall the same be allowed until the assessor filing such claim shall have filed with the

said clerk of the circuit court the book or books in which the original assessments were entered.

Sec. 7. The said clerks, the treasurers of said counties, and the said township assessors shall in all respects, except as in this act provided, be governed by the several acts now in force containing rules and regulations prescribing their duties.

Sec. 8. Where the clerk of the circuit court of said counties is mentioned in this act, it is intended to mean the said clerk acting, *ex officio*, as auditor of Greene county, and in the county of Hamilton it shall mean auditor.

Sec. 9. This act to take effect and be in force from and after its passage.

CHAPTER VII.

AN ACT to amend an act entitled "*An act to provide for the election of Township Assessors in the Counties therein named, and defining their duties,*" approved January 27th, 1847, so far as relates to the County of Monroe.

[APPROVED JANUARY 21, 1850.]

SECTION 1. In Monroe county—elected biennially, and their duties.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the township assessors for the county of Monroe to be elected biennially, and not oftener. Such assessors shall continue in office until their successors are elected or appointed, and qualified; and shall do and perform all the duties required of assessors by law.

Sec. 2. This act to be in force from and after its passage.

CHAPTER VIII.

AN ACT to amend an act entitled "*An act to provide for the election of Township Assessors in the Counties therein named, and defining their duties,*" approved January 27th, 1847.

[APPROVED JANUARY 21, 1850.]

SECTION 1. The provisions of a certain act extended to Sullivan county—assessors, when and how elected and governed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the above named act be, and the same are hereby extended to the county of Sullivan, and that hereafter at the April election for township officers as provided for by the above named act, in the year eighteen hundred and fifty-one, and every two years thereafter, [there] shall be elected one assessor in each township in said county, who shall be governed in all respects by the laws now or hereafter to be in force, regulating the duties of township assessors.

CHAPTER IX.

AN ACT to provide for the election of Township Assessors in the county of Crawford.

[APPROVED JANUARY 19, 1850.]

SECTION

1. When and how elected, and term of service.
2. To give bond—oath.
3. Vacancies, how filled—appointees to give bond, &c, as if elected.
4. Duties of.
5. How governed.

SECTION

6. Compensation of.
7. Sheriff to give 20 days' notice of election—election returns, to whom made—certificates of election by whom given.
8. Repealing clause.
9. When to take effect—Secretary of State to file certified copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified electors of each township in the county of Crawford, shall, at their annual election on the first Monday of April, one thousand eight hundred and fifty, and every two years succeeding, elect one township assessor for each township, who shall serve as such for a term of two years from and after the first

Monday of September following, and until his successor shall be elected and qualified.

Sec. 2. Every township assessor, previous to entering upon the duties of his office, shall give bond with good and sufficient security, to the acceptance of the Auditor of said county, in the penal sum of three hundred dollars, payable to the State of Indiana, and conditioned for the faithful, prompt, and impartial discharge of the duties of his office according to law, and shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully, impartially, and promptly discharge the duties of his office according to the best of his abilities, and the bond, so endorsed, shall be filed in the office of the Auditor of said county, and by him carefully preserved, and any justice of the peace or notary public of said county are hereby authorized to administer the oath of office aforesaid.

Sec. 3. If any township assessor shall fail to give bond and security, or shall neglect to take the oath or affirmation as provided in the second section of this act, on or before the first Monday in July next after his election, his office shall be considered vacant, and it is hereby made the duty of the Auditor of said county to fill such vacancy, and all other vacancies which may occur, by reason of death, resignation, or disability to serve, and any person who may be appointed to fill such vacancy, shall be required to give bond for the same amount, and take the same oath or affirmation, and be governed in all respects the same as the assessors who may be regularly elected to said office.

Sec. 4. The township assessors shall, in the months of April and May in each year, take an assessment of all taxable property in their townships, in the same manner that county assessors are required to do by laws now in force on that subject, or such laws as may hereafter be in force regulating the same, and make a full and complete return on or before the first Monday in June following.

Sec. 5. The township assessors in the county aforesaid shall be governed by the laws now in force in this State, in relation to county assessors, so far as the same does not come in conflict with the provisions of this act.

Sec. 6. Said assessors shall be entitled to and receive one dollar and a quarter per day for each day they may be engaged in the performance of the duties of their office, and each assessor shall make out a report under oath, of the number of days he was actually engaged in the performance of his duty.

Sec. 7. It is hereby made the duty of the sheriff of said county to put up one written notice in the most public place in each township of said county, at least twenty days previous to the time of holding said election, which notice shall state the time of said election and the place where held; and it shall be the duty of the clerks and judges of said election to make a return to the Auditor of said county, who shall give a certificate of election to the person receiving the highest number of votes cast at said election.

Sec. 8. All acts and parts of acts contravening the provisions of this act are hereby repealed, so far as they apply to the county of Crawford.

Sec. 9. This act to take effect and be in force from and after its passage, and the filing of a copy of the same in the Clerk's office of the county of Crawford, and it is hereby made the duty of the Secretary of State to cause a copy of this act to be so filed immediately.

CHAPTER X.

An act to authorize suits to be brought in the name of the State of Indiana, upon the relation of the county auditor.

[APPROVED JANUARY 19, 1850.]

Section 1. Authorized to institute and prosecute suits in the name of the State of Indiana, against principal and securities on all notes, bonds, &c., for loans of Surplus Revenue.

Section 1. *Be it enacted, by the General Assembly of the State of Indiana,* That the county auditors of the several counties, shall be and they are hereby authorized to institute suit and prosecute to final judgment and execution, in the name of the State of Indiana, on the relation of said county auditor against both principal and securities upon all notes, bonds, writing, obligations, mortgages, or other obligations now remaining in the hands of any such auditor or agents of the surplus revenue of their respective counties, which have heretofore been taken by any agent of said surplus revenue, and made payable to such agent in his own individual name as agent of the surplus revenue, under the act of the Legislature, entitled "An act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana, may be entitled to and receive by virtue of an act of congress, approved 23d June, 1836," approved February 6, 1837.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER XI.

An act relative to the office of auditor, in Warrick county.

[APPROVED JANUARY 19, 1850.]

SECTION

1. An act to abolish the office of, repealed.

SECTION

2. When elected, how governed, compensation of.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled an act to abolish the office of county auditor, in the county of Warrick, approved January 13, 1844, be and the same is hereby repealed.

Sec. 2. That at the next August election, an auditor shall be elected who shall be governed in all respects by the laws regulating the duties of county auditors; *Provided, however*, That he shall receive for his services, to be paid out of the county treasury, two hundred dollars and no more.

CHAPTER XII.

An act to legalize the acts of the several clerks of Martin Circuit Court, heretofore done in relation to the duties of the office of County Auditor of the county of Martin, and for other purposes therein named.

[APPROVED JANUARY 2, 1850.]

SECTION

1. In Martin county — acts of the several Clerks of the Circuit Court, acting as, legalized.
2. The Clerk of Circuit Court authorized to act as, until the first Monday in March next.
3. The Clerk of Circuit Court to make out and deliver certificate of election of — the form and effect of such certificate.

SECTION

4. The person receiving such certificate declared Auditor elect, on filing bond &c., to take upon himself the duties of.
5. The Clerk of Circuit Court to hand over all books and papers belonging to the office of Auditor.
6. Declared a public act.
7. Secretary of State to forward certified copy, &c.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts and things heretofore done by the several clerks of the Martin circuit court, or either of them, by virtue of their said office of clerk as aforesaid, pertaining to the duties of the office of county auditor of the county of Martin, or which usually pertain to the duties of the office of county auditor in the several counties of this State, or in pursuance of the several laws of this State, defining the duties of county auditors, or in pursuance of any

law as aforesaid, giving to clerks of Circuit Courts power to exercise the duties of county auditors in certain cases, be, and the same are hereby legalized and confirmed, and rendered as firm and effectual as if the same had been done and performed by an auditor of said county, duly elected and qualified.

Sec. 2. That the present clerk of the Martin Circuit Court, or his successor or successors in office, be, and is hereby authorized and empowered to do and perform, all and singular, the duties pertaining to the office of county auditor in said county of Martin, or which it would be necessary and proper for an auditor of said county, duly elected and qualified, to do and perform, until the first Monday in March next, and until the auditor elect of said county shall give bond and qualify, as required by the statute in such cases made and provided, or until an auditor of said county shall have qualified as aforesaid.

Sec. 3. It shall be the duty of the clerk of the Martin Circuit Court, upon proper demand being made, to make out and deliver to the person having the highest number of votes at the last annual August election, for the office of auditor of said county of Martin, and who shall have been declared elected county auditor by the board of canvassers in and for said county, whose duty it was to meet at the county seat on the Wednesday succeeding said election, to canvass the votes of said county, a certificate of election to said office of county auditor, conforming in all things, as near as may be, to the provisions of section fifty-three, of chapter five, of the Revised Statutes of eighteen hundred and forty-three, not inconsistent herewith, which said certificate of election, when so made out and delivered as aforesaid, shall be as valid and effectual as if the same had been issued within the time prescribed in said section fifty-three, of chapter five, of the Revised Statutes as aforesaid, and shall confer all the rights and privileges upon the person in whose favor the same was issued, as if the same had been issued, within the time aforesaid.

Sec. 4. The person receiving the certificate of election as in the last section of this act prescribed, shall be considered, and is hereby declared, to be the auditor elect of said county of Martin, to serve as such for the term of five years from and after the first Monday in March next, and upon his giving bond and qualifying, as the law prescribes in such cases provided, concerning the office of county auditors, he shall be authorized to take upon himself the duties of the office of auditor of said county of Martin, and all his official acts as such auditor made and done in good faith, and in pursuance of the several statutes of this State, defining the duties of county auditors, shall be valid and effectual, and entitled to full faith and credit in the several courts of this State.

Sec. 5. It shall be the duty of the clerk of the Martin Circuit Court, upon demand, when an auditor of said county of Martin shall have given bond and qualified as aforesaid, to hand over to him

all books and papers properly belonging to the auditor's department in said county in his possession as such clerk.

Sec. 6. This act is hereby declared to be a public act, and shall be liberally construed for the purposes therein intended, in all courts of this State.

Sec. 7. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State forthwith to forward a copy of this act to the clerk of the Martin Circuit Court, to be filed by him in his office.

CHAPTER XIII.

AN ACT to revive an act to provide for the support of the indigent blind of the State of Indiana.

[APPROVED JANUARY 18, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That said act is hereby revived, and shall be in force from and after the passage of this act.

CHAPTER XIV.

AN ACT to authorize the Governor of Indiana to compromise with, and to cause suit to be brought against the Lessees of the Water Power of the Northern Division of the Central Canal.

[APPROVED JANUARY 19, 1850.]

| SECTION | SECTION |
|---|---|
| 1. The Governor authorized to compromise with the lessees of water power of | terest of the State in the, and rents, &c.— |
| 2. In case of failure to compromise to bring suit against lessees. | terms of sale—purchasers to execute indemnifying bond—Governor to execute deed. |
| 3. Authorized to sell the right, title, and in- | 4. Governor to give notice of sale. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor of Indiana, is hereby authorized and directed to effect a compromise of all controversies between the State of Indiana, and the lessees of the water power of the Northern Division of the Central Canal, arising out of the non-payment of the water rents on said canal by the said lessees, and the alleged violation of the conditions of the leases on the part of the State, upon such terms as he shall conceive to be for the best interest of the State; and he is hereby invested with full power to execute, deliver, and receive all such releases, acquittances, and other written instruments, and do all acts which may be necessary to carry into effect the object of this act.

Sec. 2. In case the Governor shall fail to effect such compromise with the said lessees, or either of them, within three months from the passage of this act, he is then hereby authorized and directed to employ counsel and cause suits to be brought in the proper circuit court against such lessees of the water power of the Northern Division of the Central Canal, on the leases in all cases where said lessees have failed to pay the rent due to the State of Indiana. Said suits to be brought at the succeeding term of the court, after the passage of this act, or at any subsequent term thereof in the discretion of the Governor, as the person may be found or process served.

Sec. 3. The Governor is hereby further authorized to sell all the right, title, and interest of the State of Indiana, in and to the Northern Division of the Central Canal, and all the rents which shall become due after the sale of said property, and the water power and appurtenances thereunto belonging to the highest bidder therefor, on the terms and conditions and in the manner following: one-fourth of the purchase money to be paid down at the time of the sale, and the payment of the residue to be secured by approved security, and to be paid in equal annual installments thereafter. The purchaser or purchasers shall execute to the State of Indiana, and deliver to the Governor a bond with ample security conditioned to indemnify the State forever thereafter against all damages, claims,

or demands, which the State may be subjected to or liable for, on account of any deficiency in the supply of water to such lessees, their heirs, or assigns. When the said one-fourth of the purchase money shall be paid and the residue thereof secured to be paid to the satisfaction of the Governor as above provided, and the said bond executed and delivered, the Governor of Indiana shall in the name and under the seal of the State, execute and deliver to the said purchaser or purchasers a deed for the bed for the Northern Division of the Central Canal including its banks, margins, tow-paths, side-cuts, feeders, basins, right of way, dams, water power, structures, and all the appurtenances thereunto belonging.

Sec. 4. Such sale shall take place in the city of Indianapolis, and shall be made within ten months from the passage of this act; it shall be the duty of the Governor to cause an advertisement to be published in the Indiana State Sentinel, in the Indiana State Journal, and also in some newspaper of general circulation published in the cities of Louisville, Cincinnati, New York, Philadelphia, and Boston, at least sixty days before the day of sale, setting forth the time, place, and condition of such sale, as specified in this act; or the Governor may at his option advertise in the said newspapers, during the time above specified and in the same manner, for sealed proposals for the purchase of said property, upon the terms and conditions above mentioned and provided for in this act.

Sec. 5. This act to be in force from and after its passage.

CHAPTER XV.

AN ACT to authorize the sale of the Northern Division of the Central Canal.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Governor and Auditor of State to sell and convey Northern Division of—but not for less than two-thirds appraised value—that portion in Morgan county to be appraised and sold as separate division.

SECTION

2. Office of agent of, abolished—Auditor of State to act as agent with power to appoint sub-agents.
3. Governor and Auditor cause appraisement of, and how—payments for—notice of terms and sale how given.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the Governor and Auditor of State be and the same are hereby authorized to make sale and dispose of all the right, title, interest, claim, and demand which the State holds in or to the Northern Division of the Central Canal situated in State of Indiana*

with all the water power and appurtenances thereunto belonging, and the said Governor and Auditor are hereby authorized to convey the same to the purchaser on behalf of the State, in the name of the State of Indiana, all the right, title, interest, claim, and demand, which the State may hold or possess in such Canal: *Provided, however, That neither the Governor nor Auditor of State shall be authorized to sell said canal for a less sum than two-thirds of the fair appraised value thereof: Provided, That the portion of the canal and appurtenances in the county of Morgan shall be appraised, offered, and made sale of, as a separate and distinct division of the said property.*

Sec. 2. That the office of the Agent of the Northern Division of the Central Canal be and is hereby abolished, and that until the sale and conveyance of said canal shall be effected and perfected, the Auditor of State shall act as agent or superintendant over said work with power to employ a sub-agent, whose salary or wages shall not exceed the present rate of wages or per diem allowance specified in the act approved January 13th, 1846, creating the office of Agent of said canal.

Sec. 3. That the Governor and Auditor of State shall, before selling said canal, obtain a full and fair valuation thereof, under the appraisement and oath of not less than two resident freeholders of the county of Marion, one of whom shall be a qualified engineer; and payment may be made in the bonds of the State of Indiana at their market value at the date of sale thereof, or for cash down, as the Governor and Auditor may order and direct in the written terms of sale, of which terms and day of sale due notice shall be made in the State Sentinel and State Journal for not less than sixty days prior to the day of sale.

Sec. 4. This act to be in force from and after passage.

CHAPTER XVI.

AN ACT to regulate the relinquishment of damages upon the Wabash and Erie Canal.

[APPROVED JANUARY 19, 1850.]

Section 1. When claimant for damages against dies, after the same are assessed or claim still pending, guardian of heirs may relinquish, subject to approval of Probate Court.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That whenever any claim shall be filed on the Wabash and*

Eric Canal for damages, and the same shall be assessed or the claim shall be pending at the death of the applicant, that it shall be lawful for the guardian of the heirs of said deceased applicant to relinquish all claim for damages on the part of their wards, upon the payment of the damages so assessed, the same to be confirmed or regulated under the order of the Probate Court of the county from where said guardian obtained his authority, and when so affirmed, shall be as valid as if the same had been relinquished in the life time of said applicant.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XVII.

AN ACT requiring the enumeration of the white male inhabitants of this State.

[APPROVED JANUARY 19, 1850.]

SECTION

1. County and township assessors to make enumeration, and when.
2. To make a list of all the deaf, dumb, blind, and lunatic persons; the assessor of Marion county to take list of white male inmates over 21 years of age of the several asylums in his county; the assessor of Clark county to take list of white male convicts over 21 years of age in the State Prison.
3. County auditor to furnish books to assessor for listing, and when—lists, how made.

SECTION

4. When assessor to return list to county auditor—list, how certified.
5. Deputy assessor to make returns and certify as assessor.
6. County auditor to certify to auditor of State.
7. Compensation of assessors and deputies and by whom allowed.
8. When in force—Secretary of State to forward copies to county auditors.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the county assessors of the several counties in this State, or the township assessors in the counties in which there are no county assessors, by him or themselves or their deputies, before the first day of June, A. D., 1850, to make a complete list of the resident white male inhabitant above the age of twenty-one years, within their respective counties at the time said list is taken.

Sec. 2. It shall also be the duty of said assessors to make a complete list in a separate column, to be prepared for the purpose of all the deaf, dumb, blind, and lunatic persons, their age, sex, and names, that may reside in their respective counties: *Provided, however,* That it shall be the duty of the said assessor of the county of Marion to take a complete list of the white male inmates over the age of twenty-one years of the several asylums in said county of Marion, in separate columns, to be prepared for the purpose:

And provided further, That it shall be the duty of the said assessor of the county of Clark to take a complete list of the white male convicts in the State prison in said county over the age of twenty-one years, in a separate column to be prepared for the purpose.

Sec. 3. Said assessor's list shall be contained in a book, to be furnished him by the auditor of the proper county or the person discharging his duties, on or before the time said assessors are respectively required by law to commence their duties of assessing, or within reasonable time thereafter, and in such book the names of all persons aforesaid shall be entered and numbered in their proper order by said assessors, under the name of their respective townships, which shall be written at the top of the page, alphabetically.

Sec. 4. On or before the first of June, A. D. 1850, said assessor shall make a return of said list to the auditor of his county or the person discharging the duties of auditor, and take an oath, a certificate whereof shall be entered by the auditor or person aforesaid, at the end of said list, and be subscribed by said assessor, to the effect that he has faithfully discharged his duties under this act, and that the list returned by him is a correct and complete list of the resident white male inhabitants above the age of twenty-one years as specified in this act, within his county, at the time of taking said enumeration, according to the best of his information and belief.

Sec. 5. Should any of the enumerations above required be taken by any deputy assessor, it shall be his duty to make the return thereof, subscribe the certificate, and take the oath above required of the assessor, so far as the same relates to his said deputy's enumeration.

Sec. 6. It shall be the duty of the auditor of each county or the persons discharging his duties, forthwith after the making of such return to transmit to the Auditor of State his certificate of the number listed in each township of his said county, and also the aggregate number listed in all of the townships in said county, in accordance with the provisions of this act.

Sec. 7. The board doing county business in the several counties shall allow to said assessors or their deputies, as the case may be, for the services required by this act over and above the services now required of said assessors by law, the amount per day that is now allowed by law to said assessors in their respective counties for their services as such.

Sec. 8. This act shall be in force from and after its publication in the State Sentinel and Journal; and it is hereby made the duty of the Secretary of State to cause said publication to be made immediately, and so soon as made to forward a copy thereof to the several county auditors in the State.

CHAPTER XVIII.

AN ACT to provide for the sale of a portion of square No. 25, in the Town of Indianapolis, for the purpose of erecting thereon buildings for the use of the Indiana Central Medical College.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Governor, Auditor, Secretary, and Treasurer of State authorized to sell part of square No. 25, in Indianapolis, for Medical College.
2. Terms of sale.
3. Duty of Agent of State for the town of

SECTION

- Indianapolis—Deed to be made when purchase money fully paid.
4. Three appraisers to be selected, and their duty.
5. Governor to appoint appraisers, and their duty—To give three months' notice of amount of appraisal—Land, how sold.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, Auditor, Secretary of State, and Treasurer of State be, and they are hereby authorized and empowered on or before the first day of April next, to sell to the Trustees of the Indiana Asbury University, at such price as they shall deem just and reasonable, so much of the unoccupied portion of square No. 25, in the town of Indianapolis, known as the State University Square, for the erection of suitable buildings for the use of the Medical Department of said University, not to exceed one acre in quantity.

Sec. 2. That said lot or piece of ground shall be sold on a credit of twenty years, the purchasers paying interest on the purchase money annually at the rate of six per cent. per annum, and having the right at any time to pay the whole or any part of the principal.

Sec. 3. The sale of the aforesaid ground, when made, shall be entered on the books of the Agent of State for the town of Indianapolis, who shall keep the account with the purchasers as accounts are kept with other purchasers of lots in Indianapolis; and when the principal and interest shall be fully paid the purchasers shall be entitled to a patent or deed from the State of Indiana, as in other cases provided.

Sec. 4. That it shall be the duty of the persons named in the first section of this act, authorized to sell said lot, to select three disinterested and competent persons who shall appraise the same, under oath, and when so appraised shall not be sold for less than said appraised value.

Sec. 5. That the Governor of this State be, and he is hereby authorized to appoint three disinterested citizens, who shall take an oath to faithfully appraise said lot of land. And after such appraisal it shall be the duty of the Governor to give three months' notice of the amount of said appraisal, and if within said time any

greater amount shall be offered, it shall then be lawful for the Governor to sell said land for the amount to which it is appraised; but if more is offered it shall only be sold to the highest and best bidder.

Sec. 6. This act to be in force from and after its passage.

CHAPTER XIX.

AN ACT declaring the meaning of the 11th Section of Chapter Four of the Revised Statutes of 1843.

[APPROVED JANUARY 21, 1850.]

SECTION

1. County commissioners elected to fill vacancy, to serve the remainder of predecessor's term only.

SECTION

2. When in force—Section 168, chapter 4, of the Revised Statutes of 1843, not to conflict with this act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the eleventh section of chapter four of the Revised Statutes of 1843, shall be so construed and is hereby declared to mean that any person who may be elected to the office of county commissioner to fill a vacancy in said office, may hold and continue in said office of county commissioner for the remainder of the term which his predecessor had to serve, and no longer.

Sec. 2. This act shall be in force from and after its passage; and nothing contained in the 168th section of chapter four (4) of the Revised Statutes of 1843, shall be so construed, applied, or understood as to conflict in any manner with the provisions of this act.

CHAPTER XX.

AN ACT repealing an act therein named.

[APPROVED JANUARY 2, 1850.]

SECTION

1. Repeal of a certain act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That an act, entitled "An act changing the mode of electing county commissioners in the county of Pike," approved Feb. 10, 1848, be, and the same is hereby repealed.*

Sec. 2. That the general laws in force in this State in relation to and governing the election of county commissioners be, and the same is hereby revived in the county of Pike.

Sec. 3. This act to take effect and be in force from and after its passage.

SECTION

2. General laws relating to and governing county commissioners revived in Pike county.

CHAPTER XXI.

AN ACT to provide for the call of a Convention of the people of the State of Indiana, to revise, amend, or alter the Constitution of said State.

[APPROVED JANUARY 18, 1850.]

SECTION

1. Delegates to, when and how elected.
2. Number of delegates and how apportioned.
3. Election for delegates, how conducted and regulated—duty of officers of election and their compensation.
4. Duty of board of canvassers—duty of the clerk of the circuit court and sheriff.
5. Duty of clerk of circuit court when two or more counties compose a district.
6. Duties of sheriffs in such districts—clerk of circuit court to transmit certified copy of their return to the Secretary of State.
7. Penalties for false swearing, illegal voting, betting, and misconduct at the election, and neglect of official duty.
8. Contested election of delegates, how governed.
9. Delegates to, when and where to assemble in convention—Duty of the Secretary of State in the organization of—On failure of the Secretary of State or Deputy to attend, the Auditor of State to act—Duty of State Librarian.
10. Oath of office of delegates, and by whom administered.
11. Privileges of Delegates to—Powers of—

SECTION

- Members and officers allowed the use of books in State Library.
12. Vacancies, how filled—Compensation of members and officers of, with stenographer to be appointed by the Governor, how allowed and paid.
13. Secretary of State and all other officers to furnish papers, &c. to—Stationery, how furnished.
14. The roll containing draft of amended Constitution to be deposited, filed, and recorded in Secretary of State's office.
15. Secretary of State to deliver certified copy to Governor—Governor to lay the same before the General Assembly—General Assembly to pass all laws necessary for submitting the same to the voters for approval or rejection, and for organizing the government, if ratified.
16. 3,000 copies of this act, with appendix, to be printed, and how distributed in the several counties—Notice of the election of delegates, how given.
17. Secretary of State to prepare forms and returns of election and other officers under this act—Clerks to have printed blank poll books, when and how distributed.

WHEREAS, An act was passed by the General Assembly of this State at its last session, to provide for taking the sense of the qualified voters of the State, on the propriety of calling a Convention to alter, amend, or revise the Constitution of this State, approved January 15th, 1849; AND WHEREAS, A large majority of all the votes given at said election was in favor of holding said Convention; AND WHEREAS, It is the duty of the Representatives of the people, promptly, and without delay, to provide for carrying the public will thus expressed into immediate effect: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the citizens of this State qualified by law, to vote for members of the General Assembly, shall meet at their respective places of holding elections in the several counties of this State, on the first Monday in August next, and proceed to elect delegates to constitute a Convention, for the purpose of considering the Constitution of this State, and making such amendments to, alterations of, and changes in the same, as they may deem proper, which amend-*

ments, shall afterwards be submitted to a vote of the people of this State to be by them ratified or rejected.

Sec. 2. The said Convention shall consist of a number of delegates equal to the whole number of the members composing the Senate and House of Representatives of this State who shall be apportioned in the same manner that members of the General Assembly shall then by law be apportioned, and they shall be chosen in the same method, at the same places, and by the same electors that choose the General Assembly, and all persons entitled to vote by this act for delegates shall be eligible to be elected to a seat in said Convention: *Provided, however,* That the legal voters of Hamilton county alone shall elect the Senatorial delegate in the Senatorial district composed of the counties of Hamilton, Boone and Tipton: *And provided further,* That the counties of Daviess and Martin shall elect one delegate each separately, instead of two delegates jointly as above contemplated in this section.

Sec. 3. That said election, when not otherwise provided for by this act, shall, in all respects be conducted, and the poll books kept, in the manner prescribed by law for the election of members of the General Assembly of this State; and the several provisions of the fifth chapter of the first part of the Revised Statutes, and the acts amendatory thereof, regulating the hours and places of holding elections, the qualifications and disabilities of voters, the duties of inspectors, judges, and clerks of elections, the keeping of the ballot boxes, the opening of elections, voting, and challenges, the closing of the polls, the counting the votes, returning and canvassing the same, declaring and certifying who are elected, or who have received the highest number of votes, and all other laws regulating general elections in this State as far as the same are applicable, shall be in force and govern in the said election of delegates, and all inspectors, judges, clerks, sheriff's and other officers, shall perform the same duties at said election, and shall receive the same compensation therefor, and be paid in like manner as they are now directed to be paid by law for similar services at elections for members of the General Assembly of this State.

Sec. 4. The board of county canvassers in each county shall meet on the Wednesday succeeding the said first Monday in August next, and proceed to canvass the votes received in each township for delegates to said Convention in the same method that is now required of them by the laws regulating the election of members of the General Assembly of this State, and when any county shall alone constitute a Senatorial or Representative district said board of canvassers shall in the same manner as now provided by law in regard to the election of Senator or Representative for said county, declare who are duly elected Senatorial and Representative delegates to said Convention, from said county, and the clerk of the circuit court of said county shall, on the same or succeeding day, make out under his hand and official seal, certificates of election for each of said delegates so declared elected as aforesaid, and hand them

to the sheriff of said county who shall without delay deliver or cause them to be delivered to said delegates elect, and said clerk shall also forthwith transmit to the Secretary of State by mail the names of the persons so declared elected, duly certified under his seal of office.

Sec. 5. When two or more counties shall compose a district for the purpose of electing a Senator or Representative the clerk of the circuit courts in the respective counties constituting said district shall on the day next succeeding the return of said election, make out a certificate of all the votes received by each individual for Senatorial or Representative delegates to said Convention in said county and deliver the same to the sheriff of his county.

Sec. 6. The sheriffs (or their deputies duly appointed) of the several counties constituting said Senatorial or Representative district, shall meet on the Wednesday next following the return day of such election, at the same hour and place, and in the same county now required by the law for them to meet to canvass the vote for Senator or Representative (as the case may be in said district) and proceed to compare the several certificates so delivered to them by said clerks of their respective counties as aforesaid, and after having ascertained who are duly elected Senatorial or Representative delegates to said convention in said district, they shall jointly make out and forward by the hand of one or more of their number to the person or persons by them so declared elected as delegates to said Convention, certificates of their election; and said sheriffs shall also deliver to the clerk of the circuit court in the county where said certificates are compared, a statement in writing of the names of the person or persons by them declared duly elected delegates as aforesaid, who shall file the same in his office and immediately transmit by mail a certified copy thereof, attested under his seal of office to the Secretary of this State.

Sec. 7. That all wilfully, corrupt, and false swearing in taking any of the oaths or affirmations rendered necessary by virtue of this act, at or in relation to said election of delegates, shall be deemed perjury, and shall be punished in the same manner now prescribed by law for the punishment of perjury; and all laws prohibiting and providing penalties for illegal voting at the general elections in this State, and also providing penalties for betting on, and misconduct at elections, and all laws requiring the performance of any duty from any officer in regard to the election of members of the General Assembly of this State, shall be, and are hereby declared in full force; and said officers shall be liable for any neglect of duty to the same penalties now prescribed by law for the neglect of similar duties in respect to the election of members of the General Assembly of this State.

Sec. 8. In case of a contested or disputed election of delegates to said convention, the contesting candidate, or other person contesting said election, shall pursue the same course, and be governed in all things by the same rules and regulation as are now provided

by law in cases of contested or disputed elections of Senators or Representatives of the General Assembly of this State.

Sec. 9. The delegates who shall be elected as aforesaid, shall assemble in convention at the capitol, in the city of Indianapolis, on the first Monday in October next, and organize by electing a president and all other officers necessary. It shall be the duty of the Secretary of the State to attend the said convention on the opening thereof, to call over the lists of districts and counties, receive the credentials of the delegates, and generally to perform the like duties in the organization of the same, that are usually discharged by the officer whose duty it is by law to attend to the organization of the House of Representatives of this State at the commencement of its session; and should the Secretary of the State fail to attend in person or by deputy, by 10 o'clock, A. M., on said day, then it shall be the duty of the Auditor of this State to attend for such purpose; and it shall be the duty of the State Librarian immediately after the General Assembly shall adjourn, to prepare the Hall of the House of Representatives for the reception of, and sittings of said convention.

Sec. 10. The said delegates, before entering upon the discharge of their duties, shall each be duly sworn or affirmed to support the constitution of the United States, and also faithfully, and to the best of their respective abilities, perform the duties of their office; which oath or affirmation may be administered to them by any judge of the supreme, or president judge of the circuit courts of this State; and should no such judge be in attendance at the opening of the sitting of said convention, then by any officer of the county of Marion duly authorized by the laws of this State to administer oaths and affirmations.

Sec. 11. The members of said convention shall enjoy the same privileges in going to, attending upon, and returning from said convention, that members elected to and attending on the General Assembly are entitled, by law. Said convention shall be the judge of the elections, returns, and qualifications of its own members; it shall possess the same power to adopt rules, expel a member for disorderly conduct, and punish contempt, that are now exercised by either House of the General Assembly in similar cases. A majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and take measures to compel attendance of absent members. And the president, members, and secretaries of the convention shall be allowed the use of the books in the State Library, in the same manner and upon the same condition that the members of the General Assembly are allowed the use thereof.

Sec. 12. In case of the death or resignation of any member of said convention, the Governor of this State shall issue a writ of election, directed to the sheriff or sheriffs of the proper counties, directing a special election to be held to fill such vacancy, in the same manner now prescribed by law for supplying vacancies in the

General Assembly of this State. The members of said convention shall receive three dollars per day while actually attending upon the sittings of said convention, and shall be allowed the like compensation for their travel as members of the General Assembly are allowed by law; and their secretaries, officers, and attendants shall be paid the same compensation as the officers of the General Assembly of this State are paid for similar services; which pay, together with the pay of a competent stenographer to report their debates, which stenographer shall be appointed by the Governor for that purpose, with the other expenses of the convention, shall be certified by the president of the convention, and shall be paid by the treasurer of this State on the warrant of the auditor of public accounts.

Sec. 13. The secretary of State, and all other officers in this State shall furnish said convention with all such papers, statements, statistical information, copies of records or public documents in their possession as the said convention may order or require; and it shall be the duty of the proper officer or officers to furnish the members with all such stationery as is usual for the General Assembly while in session, which shall be paid for on the certificate of the president, in like manner as the contingent expenses of the House of Representatives are now paid by law.

Sec. 14. The roll containing the draught of the amended constitution adopted by said convention, and the proceedings of said convention, shall be deposited by the president and secretary thereof in the office of the Secretary of State, who shall file the same, and cause said constitution to be entered of record in his office; and said convention may submit one or more of the amendments which they may propose to the constitution, as district propositions, to be voted upon by the people separately or together, as to them may seem expedient.

Sec. 15. It shall be the duty of the Secretary of State, so soon as the same is recorded in his office, to deliver to the Governor of this State a certified copy of said amended constitution, who shall, on the meeting of the General Assembly of this State at its next session, lay the same before them; and it shall be the duty of the said General Assembly to pass all laws necessary and proper for submitting the same to the qualified voters for their approval and rejection; and also for organizing the government under the amended constitution, in case it should be adopted and ratified by such voters.

Sec. 16. It shall be the duty of the Secretary of State to immediately cause three thousand copies of this act, and the appendix hereinafter provided for, to be printed and forthwith forwarded by mail, not less than twenty nor more than thirty copies thereof to the clerk of each of the counties in this State, who shall [cause] the Sheriff of the county to deliver one or more of said copies to each inspector of elections in said county, and said clerk shall certify to the sheriff that the delegates are to be elected, and the said sheriff

shall give notice of the said election in the same manner now provided by law in regard to the election of members of the General Assembly of this State.

Sec. 17. It shall be the duty of the Secretary of State to prepare and have printed blank forms of the caption of the poll books, and the returns required of the inspectors and judges of elections; the certificates required of the county canvassers, clerks, and sheriffs, and all other forms required by this act, and which may be necessary and proper to carry the same into full effect which shall be added by way of appendix to this act; and it shall be the duty of the clerk in each county to cause a suitable number of blank forms of poll books with proper captions, and forms of the returns required to be made by the inspectors and judges of the election, to be made out, conforming them to those prescribed by the secretary of State, and deliver them to the sheriff of said county; and said sheriff shall, at least twenty days previous to the election, deliver one or more copies thereof to each inspector of elections in the several townships in the county.

This act to take effect and be in force from and after its passage.

CHAPTER XXII.

AN ACT to amend Section 11, Chapter 56, of the Revised Statutes of 1843.

[APPROVED JANUARY 18, 1850.]

SECTION 1. Coroners in certain cases to sell property, &c. found on bodies of deceased persons—compensation therefor—proceeds of sales where deposited.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That* Section 11, of Chapter 56, of the Revised Statutes of 1843, be so amended that when any property or valuables other than money, shall be found with the body of any deceased person, over whom an inquest shall have been held, and there be no person entitled to take charge of the same, it shall be the duty of the coroner holding such inquest, to take charge of such property or valuables, and if the same be not called for, within sixty days from the time of receiving the same, by the persons entitled to the possession thereof, said Coroner shall sell the same to the highest bidder at public sale, for which he shall receive a commission of ten per centum therefrom, and pay the residue thereof to the Treasurer

of the county in which said inquest shall have been held, to be by said Treasurer disposed of in the manner prescribed in the 12th section of the chapter to which this is an amendment.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XXIII.

AN ACT in relation to costs in certain cases.

[APPROVED JANUARY 14, 1850.]

SECTION 1. Publication vs. non-residents to be taxed to costs of suit.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That* whenever it shall be necessary to make any publication against any non-resident party, to any suit at law or in equity, pending in any court in said State of Indiana, the costs of such publication shall be taxed with other costs in such cause.

Sec. 2. This act shall take effect from and after its passage.

CHAPTER XXIV.

AN ACT to amend an act entitled "An act to regulate the mode of doing county business in the county of Putnam," approved, Jan. 15, 1849.

[APPROVED DECEMBER 22, 1849.]

SECTION

1. Vacancy in Board of Commissioners, how filled.
2. Where commissions of justices are of same date oldest person to serve.

SECTION

3. County Auditor through the sheriff to notify such justice.
4. How governed and penalty for neglect of duty.
5. Secretary of State to forward copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That* whenever a vacancy shall occur in the Board of Commissioners of said county of Putnam, by reason of the qualified voters of any township in said county failing to elect one of the justices of the peace of such township (to do the county business

of said county,) as provided for the first section of the act to which this is an amendment, or if such vacancy shall happen by death, resignation, or removal of any member of said Board of Commissioners, it shall be the duty of the justice of the peace, holding the oldest commission as such justice of the peace in the township in which such vacancy shall occur, to enter upon the discharge of the duties of a member of said board of commissioners and discharge the same until the April election then next ensuing, and until his successor is elected and qualified, as provided for in the act to which this act is an amendment.

Sec. 2. That if there be two or more justices of the peace in any township in the which a vacancy shall occur as aforesaid, whose commissions are of the same date, and there be no justice of the peace in such township holding under an older commission, then in that case the oldest person holding a commission as justice of the peace in such township, shall enter upon and discharge the duties of a member of said board of commissioners as provided for in the first section of this act.

Sec. 3. Whenever a vacancy shall happen as aforesaid, it shall be the duty of the Auditor of said county to cause such justice of the peace holding under the oldest commission as aforesaid, as such oldest person holding a commission as aforesaid, as the case may be, in the township in which such vacancy shall exist, to be notified thereof, through the sheriff of said county, who shall serve such notice.

Sec. 4. The justice of the peace whose duty it shall be to fill such vacancy as aforesaid, shall in all respects be governed by the act to which this act is an amendment, and for failing to discharge the duties herein before required, such justice shall be subject in all respects to the provisions of the third section of the act to which this act is an amendment, as if he had been duly elected by the qualified voters of such township as provided for in the first section of said act.

Sec. 5. This act shall be in force from and after its passage, and it shall be the duty of the Secretary of State to forward a copy thereof to the clerk of said county of Putnam.

CHAPTER XXV.

AN ACT to change the time of holding the April terms of the Commissioners' Court of Jefferson county.

[APPROVED JANUARY 16, 1850.]

SECTION 1. April term changed to first Monday of March.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the time of holding the April term of the Commissioners' Court of Jefferson county, be and the same is hereby changed to the first Monday of March of each year.*

Sec. 2. This act to be in force from and after its passage.

CHAPTER XXVI.

AN ACT relative to the Board of Commissioners of Franklin county.

[APPROVED JANUARY 16, 1850.]

SECTION 1. May sit ten days if business require it.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the Board of County Commissioners of the county of Franklin may sit ten days at any session of said board, if the business thereof shall require it.*

Sec. 2. This act shall take effect from and after its publication.

CHAPTER XXVII.

AN ACT to extend the time of holding County Courts in Perry county

[APPROVED JANUARY 15, 1850.]

SECTION 1. May sit ten days at March and June, and six days at all others.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the Board of Commissioners of Perry county, may at their March and June terms sit ten days, and at all other terms they may continue in session six days, if the business require it.

Sec. 2. This act shall take effect and be in force from and after publication in the Indiana State Journal and Sentinel.

CHAPTER XXVIII.

AN ACT changing the mode of doing county business in the county of Crawford.

[APPROVED JANUARY 18, 1850.]

SECTION

1. County divided into three districts.
2. Commissioners of, when and how elected and term of service, how governed.

SECTION

3. Commissioners of, so elected, only board to do county business after 1st Monday in August, 1850—repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county of Crawford be and the same is hereby divided into three districts, as follows: first district, Union, Boone, and Ohio; second district, Jennings and Whisky Run; third district, Liberty, Sterling, and Patoka townships.

Sec. 2. There shall be, on the first Monday in August, 1850, elected in said county of Crawford, three county Commissioners, one of whom shall reside in each of said districts, and shall hold their offices as provided in the general laws of this State; and the authorities, powers, duties, and elections of county commissioners in the county of Crawford, on and after the first Monday in August, 1850, shall in all things be governed by the general laws of the State.

Sec. 3. Said board of commissioners authorized by this act, shall be the only board authorized to do county business in said

county of Crawford, after the said first Monday in August, 1850, and all acts and parts of acts coming within the purview of this act be and the same is hereby repealed.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT to change the mode of doing county business in the county of Owen.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Provisions of an act changing the mode of county business in Warrick county, from justices of the peace to county commissioners extended to Owen county.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "an act to change the mode of doing county business in the county of Warrick, from justices of the peace to county commissioners," approved January 5, 1849, be and the same are hereby extended to the county of Owen, and said commissioners shall be governed in all respects by the provisions of said act.

This act to be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER XXX.

AN ACT to amend an act authorizing the board of commissioners of Cass county to issue bonds bearing ten per cent. interest per annum, approved January the 28th, A. D. 1843.

[APPROVED JANUARY 14, 1850.]

SECTION 1. May withdraw from circulation the bonds of county bearing ten per cent. interest, and re-issue new bonds at less interest, redeemable in 10 years or less.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Cass

be and they hereby are authorized to withdraw from circulation any portion or all of the bonds of said county bearing interest at the rate of ten per cent. per annum, and re-issue new bonds for the same amount, bearing any rate of interest less than ten per cent., and redeemable in ten years or sooner, if the said board deem it advisable.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XXXI.

AN ACT to authorize the county commissioners of Pulaski county to borrow money.

[APPROVED JANUARY 15, 1850.]

SECTION

1. Board of Commissioners may borrow \$10,000 at any rate of interest not exceeding 10 per cent.
2. To secure the same may issue bonds payable in not exceeding ten years.
3. Bonds to be issued by order of the board,

SECTION

- signed by auditor and countersigned by the treasurer, and transferable.
4. Commissioners to provide for payment of such bonds according to the terms thereof.
5. Secretary of State to forward a copy to the auditor of said county.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Pulaski county are hereby authorized to borrow money, from time to time, for the construction of public buildings and other county purposes only, to any amount not exceeding in all ten thousand dollars, at any rate of interest not exceeding ten per centum per annum.

Sec. 2. For the purpose of securing the payment of the money so borrowed, it shall be lawful for said county commissioners to issue the bonds of the county, the principal and interest of which may be payable at such times as the parties may agree on, so that the time shall not exceed ten years from the date of such bond.

Sec. 3. The bonds so to be issued shall be issued on the order of said county commissioners, signed by the auditor and countersigned by the treasurer, and shall be assignable and negotiable by endorsement thereon so as absolutely to transfer and vest the property thereof in each and every indorsee successively.

Sec. 4. It shall be the duty of the said commissioners to make provision for the payment of said money so borrowed, according to the terms and conditions of said bonds.

Sec. 5. This act to be a public act, to be in force from and after its passage, and the Secretary of State shall immediately forward a certified copy of said act to the auditor of said county.

CHAPTER XXXII.

AN ACT to extend the time of the March and June sessions of the Board of Commissioners of Cass county.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Board may continue in session nine days at their March and June sessions.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the board of commissioners of Cass county may, at their March and June sessions of every year, continue in session for the period of nine days, if the business shall require it.

Sec. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

CHAPTER XXXIII.

AN ACT to extend the time of holding Commissioners' Court in Marion county.

[APPROVED JANUARY 3, 1850.]

SECTION 1. Board may sit ten days at their March and June sessions.

WHEREAS, The business of the County Board of the county of Marion has so accumulated, that the time now allowed by law is wholly insufficient, and thereby the public interest suffers to a great extent: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said board be, and is hereby authorized to sit ten days at the March and June sessions thereof, if the business of the county require it.

This act to take effect and be in force from and after its passage.

CHAPTER XXXIV.

AN ACT extending the time of holding the sessions of the Board of County Commissioners of the county of Fountain.

[APPROVED JANUARY 3, 1850.]

SECTION

1. Board may sit nine days at each regular term.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the Board of Commissioners doing county business in and for the county of Fountain, shall sit nine days at each regular term thereof, should the business require.*

Sec. 2. All acts and parts of acts coming within the purview of this act be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XXXV.

AN ACT extending the time of holding the sessions of the Board of County Commissioners of the county of Montgomery.

[APPROVED JANUARY 3, 1850.]

SECTION

1. Board may sit ten days at each regular term thereof.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the Board of Commissioners doing county business in and for the county of Montgomery, shall sit ten days at each regular term thereof, should the business so require.*

Sec. 2. That all acts and parts of acts coming within the purview of this act be, and the same are hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXXVI.

AN ACT to amend an act, entitled "An act to change the mode of electing Grand Jurors in the county of Orange," approved January 12th, 1849.

[APPROVED, JANUARY 3, 1850.]

SECTION 1. Act for changing mode of electing grand jurors repealed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the second section of an act, entitled "An act to change the mode of electing grand jurors in the county of Orange," approved January 12, 1849, be, and the same is hereby repealed.*

Sec. 2. This act to take effect from and after its passage.

CHAPTER XXXVII.

AN ACT authorizing the Board doing county business for the county of Morgan to continue in session ten days at their March and June terms.

[APPROVED, JANUARY 3, 1850.]

SECTION 1. Board may continue in session ten days at their March and June terms.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the board doing county business for the county of Morgan, in this State, shall have the right to continue in session ten days at their March and June terms, provided the business thereof require it.*

Sec. 2. This act to be in force from and after its passage.

CHAPTER XXXVIII.

AN ACT to regulate and change the mode of selecting petit jurors in Laporte county.

[APPROVED JANUARY 5, 1850.]

| SECTION | SECTION |
|---|---|
| 1. Act for selection of, repealed—General laws declared to be in force. | 3. Secretary of State to transmit certified copy to clerk of circuit court. |
| 2. Where published and when in force. | |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act to provide for selecting petit jurors in Laporte county," approved January 29, 1842, be, and the same is hereby repealed, and the provisions of the several laws now in force in regard to the mode of summoning and empanneling petit jurors, are hereby declared to be in force in Laporte county.

Sec. 2. This act shall be published in the Laporte County Whig, and shall be in force from and after the first day of May, 1850.

Sec. 3. It shall be the duty of the Secretary of State, previous to the first Monday of April, 1850, to transmit a certified copy of this act to the clerk of the circuit court of Laporte county.

CHAPTER XXXIX.

AN ACT to repeal all laws of this State authorizing counties to subscribe for any corporation stock, so far as relates to the county of Morgan, and declaring the meaning of certain acts therein named.

[APPROVED DECEMBER 22, 1849.]

| SECTION | SECTION |
|--|---|
| 1. All laws authorizing counties to subscribe and county boards to levy and collect tax to pay subscriptions for stock repealed as to Morgan county. | 2. Certain acts not to be construed to authorize county boards to subscribe for and levy and collect tax to pay subscriptions to stock in Martinsville and Franklin Railroad Company. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws or parts of laws of this State authorizing counties to subscribe for any corporation stock, and empowering boards doing county business to levy and collect a tax for the pay-

ment of subscriptions to any corporation stock be, and the same are hereby repealed, so far as relates to the county of Morgan.

Sec. 2. Nothing contained in an act, entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer," approved January 28, 1842, or in an act, entitled "An act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county," approved January 20, 1846, shall be so construed as to authorize any board doing county business in this State to subscribe stock in, or to levy or collect a tax for the payment of any subscription of stock in the Martinsville and Franklin Railroad Company.

Sec. 3. This act shall be a public act, and shall be in force from and after its passage.

CHAPTER XL.

AN ACT to extend the term of the Circuit Court of Marion County, authorized to be begun and held on the last Monday in October, 1849.

[APPROVED DECEMBER 8, 1849.]

| SECTION | SECTION |
|---|--|
| 1. October term, 1849, extended until the 4th Monday in December. | 3. This act not to interfere with the time and manner of holding the December term of the Probate Court. |
| 2. Jurors, how summoned and empaneled. | |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the term of the Circuit Court for the county of Marion, by existing laws authorized to be begun and held in the month of October, in the year one thousand eight hundred and forty-nine, be, and the same is hereby extended so that the said court may continue in session until the fourth Monday in December, in the year aforesaid, or until any previous day, as the business pending in said court may require.

Sec. 2. *And be it further enacted*, That while said court may continue in session under the authority of this act, the said court may, when and so often as juries may be required, direct the same to be summoned and empannelled from the bystanders, or otherwise, in their discretion.

Sec. 3. Nothing in this act contained shall in any way be construed to interfere with, or in any way affect the time of the com-

mencement of the time and manner of holding the term of the probate court of said county of Marion, which by existing laws commences its term on the second Monday in December, 1849.

Sec. 4. This act shall be in force from and after its passage and approval.

CHAPTER XLI.

AN ACT *prescribing the time of holding the Circuit Courts in the second judicial circuit.*

[APPROVED DECEMBER 22, 1849.]

SECTION

1. The time for holding courts in the several counties.
2. Length of terms.
3. Parties and others to notice this act—

SECTION

- writs, &c., when returnable—suits, &c., how acted upon.
4. Repealing clause.
5. Secretary of State to forward copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the Circuit Court shall hereafter sit in the county of Clark, on the first Monday in March, and the Thursday after the first Monday in August; in the county of Scott, on the second Monday in March, and the third Monday in August; in the county of Jackson, on the third Monday in March, and the fourth Monday in August; in the county of Washington, on the fourth Monday in March, and the first Monday in September; in the county of Orange, on the first Monday in April, and the second Monday in September; in the county of Harrison, on the second Monday in April, and the third Monday in September; in the county of Floyd, on the fourth Monday in April, and the first Monday in October.*

Sec. 2. The Circuit Court shall sit in the aforesaid counties, if the business require it, six days at each term, except the counties of Clark, Harrison, and Floyd; that the county of Clark may sit nine days at the August term, in the county of Harrison, two weeks at each term, and in the county of Floyd, three weeks at each term.

Sec. 3. All parties in said Circuit Courts, and all witnesses and other persons concerned, shall take notice of this act; all writs or notices that may have been issued or served before the taking effect of this act, in relation to matters now pending or to be pending in any of said Circuit Courts, are hereby made returnable to the first day of the next term of said courts, as fixed by this act, and all suits, recognizances motions, rules, and other proceedings, which,

at the time of the taking effect of this act, shall be pending in any of said courts, shall be acted upon therein in the same manner as if this act had been in force at the time they were commenced, taken, or instituted.

Sec. 4. All laws or parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Sec. 5. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward immediately certified copies of this act to the Clerks of the several Circuit Courts aforesaid.

CHAPTER XLII.

AN ACT *to regulate the holding of Circuit Courts in certain counties in the third judicial circuit.*

[APPROVED DECEMBER 7, 1849.]

SECTION

1. Times of holding spring term in Bartholomew and Jefferson—length of term in Jennings county.
2. Writs, &c., when returnable.

SECTION

3. Suits, &c., when acted on, and how disposed of.
4. Repealing clause—publication.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter, the spring term of the Circuit Court in the county of Bartholomew, shall commence on the fourth Monday in February, and shall sit two weeks, if the business thereof require it. The spring term of the Circuit Court in the county of Jefferson, shall commence on the second Monday of March, and shall sit till the commencement of the Circuit Court in the county of Jennings, as now fixed by law, if the business thereof shall require it. The spring term of the Circuit Court of the county of Jennings, shall sit two weeks, if the business thereof shall require it.*

Sec. 2. That all writs, subpoenas, venires, rules, orders of court, recognizances, publications, and process whatever, which may have issued, from either Circuit Court in said counties, since the last session thereof, or which may hereafter issue, previous to the taking effect of this act, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of each of the courts respectively to be holden by virtue of this act.

Sec. 3. And all suits, actions, and other proceedings now pending, or which may hereafter be pending, in said courts, shall be taken up and acted upon at the times fixed for the holding thereof,

and be disposed of in the same manner as if no alteration had been made of the times for the sittings of said courts.

Sec. 4. That all laws contravening the provisions of this act be, and they are hereby repealed; that this act take effect and be in force from and after its passage, and shall immediately be published in the State Sentinel and Indiana Journal.

CHAPTER XLIII.

AN ACT fixing the time of holding the several Circuit Courts in the eleventh judicial circuit.

[APPROVED JANUARY 12, 1850.]

SECTION

1. Times of holding courts in the several counties—Hamilton county attached.

SECTION

2. Length of terms.
3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several Circuit Courts comprising the eleventh judicial circuit, be hereafter held annually at the times following, to-wit: in the county of Randolph, on the second Mondays preceding the first Mondays of March and September; in the county of Delaware, on the first Mondays of March and September; in the county of Madison, on the third Mondays of March and September: *Provided, however*, That the county of Hamilton, for all judicial purposes, be, and the same is hereby attached to and constituted a part of said eleventh judicial circuit, and the said court in said county of Hamilton shall be hereafter held annually on the second Mondays succeeding the commencement of the courts in the county of Madison, and in the county of Tipton, on the second Thursdays succeeding the commencement of the courts in the county of Hamilton; in the county of Grant, the Mondays succeeding the commencement of the court in the county of Tipton, and in the county of Jay the second Mondays succeeding the commencement of the courts in the county of Grant, and in the county of Blackford on the Mondays succeeding the commencement of the courts in the county of Jay.

Sec. 2. The said Hamilton Circuit Court shall sit six days at each session, if the business thereof require it, and the said Tipton Circuit Court shall sit three days at each session, if the business thereof shall require it: *Provided, however*, That the several Circuit Courts in the other counties in said circuit shall sit at each

session thereof the full length of time now required and allowed by law if the business require it.

Sec. 3. This act shall be a public act, and in force from and after its passage. All laws and parts of laws coming in conflict with the provisions of this act, be, and the same are hereby repealed.

CHAPTER XLIV.

AN ACT to amend an act entitled "an act to fix the time of holding courts in the tenth judicial circuit," approved January 25th, 1847.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Time of holding courts in the several counties.
2. Writs, &c., when returnable and how acted on.

SECTION

3. Repealing clause—Secretary of State to forward copies to clerk of Monroe and Morgan counties.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the terms of the circuit courts for the county of Monroe, shall commence and be holden on the Mondays succeeding the terms as now fixed by law in the county of Owen, and may be holden eight days if the business thereof require it, and the terms of the circuit courts of the county of Morgan shall hereafter be commenced and holden on the Thursdays succeeding the terms in the county of Monroe, as fixed in this act, and may be holden nine days if the business thereof require it, in the county of Brown, on the Mondays succeeding the terms in the county of Morgan, and shall be holden one week if the business thereof require it, and in all the other counties in said circuit as is now fixed by law.

Sec. 2. The provisions of the second section of an act entitled "an act to fix the time of holding courts in the tenth judicial circuit," approved January 25, 1847, shall apply to this act, and have the same force and effect as if a part thereof.

Sec. 3 All laws contravening the provisions of this act are hereby repealed; this act to take effect and be in force from and after its passage, and the Secretary of State is hereby required to forward a certified copy thereof immediately to the clerks of the circuit courts of Monroe and Morgan counties.

CHAPTER XLV.

AN ACT to extend the time of holding the circuit court in and for the county of Henry.

[APPROVED JANUARY 5, 1850.]

SECTION

1. Spring term, 1850, extended.
2. Length of term thereafter.

SECTION

3. Repealing clause.
4. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the regular spring term of the circuit court in and for the county of Henry, in the year 1850, shall sit as long as the business thereof may require.

Sec. 2. And at each regular term of the said court after the said spring term in the year 1850, the said court shall sit three weeks if the business thereof may require.

Sec. 3. That all laws and parts of laws coming in conflict with this act, be, and the same are hereby repealed.

Sec. 4. This act shall be in force from and after its passage.

CHAPTER XLVI.

AN ACT to regulate times of holding courts in the fifth judicial circuit.

[APPROVED JANUARY 10, 1849.]

SECTION

1. Time of holding courts in the several counties, and length of term.
2. Parties, &c., to notice this act.
3. Grand jury in Johnson county, when summoned to attend.

SECTION

4. Repealing clause—practice in said courts not changed.
5. Publication—Secretary of State to transmit copies.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the courts in the fifth judicial circuit shall be commenced and holden at the times following, to-wit: In the county of Hancock, on the second Mondays of February and August, and shall sit six days at each term, if the business thereof requires it. In the county of Shelby, on the third Mondays of February and August, and shall sit twelve days, if the business thereof requires it. In the county of Johnson, on the Mondays succeeding the courts in the county of Shelby, and shall sit twelve days if the business thereof requires it. In the county of Hamilton,

on the Mondays succeeding the courts in Johnson, and shall sit twelve days if the business thereof requires it. In the county of Hendricks, on the Mondays succeeding the courts in Hamilton, and shall sit twelve days if the business thereof requires it. In the county of Boone on the Mondays succeeding the courts in Hendricks, and shall sit twelve days if the business thereof requires it. In the county of Marion, on the Mondays succeeding the courts in Boone, and shall, at the spring term thereof, sit four weeks if the business thereof requires it. And at the fall term thereof shall sit six weeks if the business thereof requires it.

Sec. 2. All parties, witnesses, and all other persons concerned, shall take notice of this act, and appear accordingly.

Sec. 3. The grand jurors for the county of Johnson shall be summoned to attend on the third day of the sitting of the court, and shall not be allowed to sit after the first week thereof.

Sec. 4. All acts and parts of acts conflicting with this act, and all previous acts fixing the times of holding the Marion circuit court, are hereby repealed, but the provisions hereof shall not be so construed as in any wise to change the practice in any of said courts.

Sec. 5. This act to be published in the State Sentinel and Indiana State Journal; and the Secretary of State shall cause certified copies thereof to be transmitted to the several clerks of said courts, except the clerks of the Hancock and Shelby courts.

Sec. 6. This act to be in force from and after its passage.

CHAPTER XLVII.

AN ACT to regulate the time for civil and chancery business of the Marion and Hancock circuit courts.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Times of holding courts in Marion county, and length of terms.

SECTION

2. Times of holding courts in the county of Hancock, and length of terms.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the April and October terms of the Marion circuit court shall hereafter commence on the fourth Mondays of April and October, and continue as long as the business thereof shall require.

Sec. 2. The Hancock circuit court shall commence on the fourth

Mondays in March and September, and shall sit six days at each term if the business shall require.

Sec. 3. This act to be in force from and after its passage and publication in the Indiana State Journal and Sentinel.

CHAPTER XLVIII.

AN ACT changing the time of holding the Hancock circuit court from the second Mondays in February and August to the fourth Mondays in March and September.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Time of holding courts.
2. Writs, &c., when returnable.

SECTION

3. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Hancock circuit court shall hereafter commence on the fourth Mondays in March and September in each year, and shall continue for six days at each terms if the business thereof requires.

Sec. 2. And all writs, subpoenas, and other process of such court, made returnable at any other time, shall be returnable at the times aforesaid.

Sec. 3. This act to take effect and be in force from and after its passage, and the same shall be published in the State Sentinel.

CHAPTER XLIX.

AN ACT to amend an act entitled "*An act to change the time of holding Courts in the Eighth Judicial Circuit*," approved January 15, 1849.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Length of Spring term 1850 of the courts in Cass and Wabash counties.
2. Writs, &c., when returnable, and how acted upon.

SECTION

3. Repealing clause.
4. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said act be so amended that at the Spring term in the year 1850 the court in the county of Cass shall sit two weeks if the business thereof requires it and no longer, and at the Spring term in the same year the court in the county of Wabash shall sit three weeks if the business thereof requires it.

Sec. 2. All parties in court in said circuit, and all witnesses and other persons concerned, shall take notice of this act, and all writs, processes, and notices, which may have been issued or served before the taking effect of this act, in relation to matters now pending or to be pending in any circuit court in said circuit, shall be returnable to the first day of the first term of said courts as fixed by this act, and the act to which this is an amendment; and all suits, recognizances, motions, rules, and other proceedings, which at the time of the taking effect of this act shall be pending in any of said courts shall be acted upon therein in the same manner as if this act had been in force at the time they were commenced, taken, issued, or instituted.

Sec. 3. All acts and parts of acts so far as they relate to the said Spring terms of the Cass and Wabash circuit courts in the year 1850 be and the same are hereby repealed.

Sec. 4. This act to be in force from and after its publication in the Indiana State Journal and State Sentinel, or either of them.

CHAPTER L.

AN ACT in relation to the change of names.

[APPROVED JANUARY 17, 1850.]

SECTION 1. Circuit Court on application for divorce may change the name of the complainant
—Proceedings how governed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any complainant may file a bill for divorce in the circuit court of the proper county of this State, the party suing for such divorce may also apply in said bill to said court to change the name of said complainant, and the practice and proceedings in every such application to change the name of said complainant shall be the same as is now provided for by law in relation to bill for divorce, so far as the same may be applicable, and should any court as aforesaid decree a divorce dissolving the marriage contract, said court may in their discretion change the name of the complainant to the name said complainant may desire to assume, and as may be specified in said complainant's bill as aforesaid.

This act to be in force from and after its passage.

CHAPTER LI.

AN ACT to repeal part of an act entitled "*An act to fix the time of holding Courts in the First Judicial Circuit and Probate Court of Tippecanoe county,*" approved January 2, 1849.

[APPROVED JANUARY 19, 1850.]

SECTION

1. The 2d section of certain act repealed—
When grand jury summoned to attend—
How long to sit.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the second section of said act, be and the same is hereby repealed; and hereafter, as heretofore, before the passage of said act, the grand jury for the county of Tippecanoe shall be summoned on the first day of court and empannelled, and continue in session during the sitting of court, if their business requires it.

Sec. 2. All acts conflicting with this act be and the same are hereby repealed. This act to be in force from and after its passage.

CHAPTER LII.

AN ACT to provide for the trial of criminal causes in Marion county.

[APPROVED DECEMBER 24, 1849.]

SECTION

1. Marion circuit court to hold two additional terms for trial of criminal causes—
When held—process on indictment, when returnable, &c.
2. Petit jury for said terms, how selected and summoned.

SECTION

3. To be no grand jury at said terms unless by direction of the court, &c.
4. Criminal causes brought into, by change of venue, when to stand for trial.
5. Length of terms.
6. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of Marion county, shall annually hold two additional terms for the trial of indictments, and the transaction of criminal business only, on the fourth Monday in December and first Monday of July, and all process issued upon indictments shall be made returnable to said terms, and all continuances of indictments shall be to said terms, unless by order of said court such process shall be made returnable, or each continuance made otherwise.

Sec. 2. That a petit jury for said terms shall be selected and summoned, as other petit juries are selected and summoned, and in default of such selection, and to supply a want of the proper number, created by non-attendance or any other cause, the court may direct a jury in any case, to be summoned, or the want of a proper number to be supplied from the by-standers, or otherwise in their discretion.

Sec. 3. That at said terms there shall be no grand jury empannelled, unless the court upon an exigency, and in their discretion may cause a grand jury to be empannelled from the by-standers or otherwise.

Sec. 4. That all criminal causes brought into the said circuit court, by change of venue from other counties, shall stand for trial at the terms of said court hereby provided for, and at no other terms whatever.

Sec. 5. At the several terms of the Marion circuit court, the said court may continue in session, as long as the business may require.

Sec. 6. All laws and parts of law conflicting with the provisions of this act, be and the same are hereby repealed.

Sec. 7. This act to be in force from and after its passage.

CHAPTER LIII.

AN ACT to change the times of holding the Circuit and Probate Courts in the county of Switzerland.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Time of holding Circuit Court.
2. Time of holding Probate Court.

SECTION

3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the fall term of the circuit court in the county of Switzerland shall commence its session on the first Monday of November, instead of the second Monday.

Sec. 2. That the November term of the probate court of said county of Switzerland shall commence its sessions on the third Monday of November, instead of the fourth Monday.

Sec. 3. That so much of an act entitled an act fixing the times of holding circuit courts in the third judicial Circuit, approved January the 19th, 1848, and of an act entitled an act changing the times of holding the probate courts in the counties of Jefferson, Switzerland, and Ohio, approved January the 24th, 1848, as comes within the purview and meaning of this act be and the same is hereby repealed.

Sec. 4. This act to be in force from and after its passage.

CHAPTER LIV.

AN ACT to amend an act entitled "an act creating Marion Court of Common Pleas," approved 4th January, 1849.

[APPROVED JANUARY 14, 1850.]

SECTION 1. First week of the term not confined to making up pleas, &c.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the above entitled act as requires the first week of each term to be set apart and confined to making up issues, or to any special purpose whatever, be and the same is hereby repealed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LV.

AN ACT to extend the time of holding the Probate Court of Hendricks county.

[APPROVED DECEMBER 22, 1849.]

SECTION

1. May sit two weeks at each term.

SECTION

2. When in force—Secretary of State to forward certified copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Hendricks county be and the same is hereby authorized to continue its sittings for the term of two weeks at each session, if the business thereof shall require it.

Sec. 2. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy thereof to the clerk of the probate court of said county.

CHAPTER LVI.

AN ACT to change the time of holding the October term of the Probate Court of Martin county.

[APPROVED DECEMBER 22, 1849.]

SECTION 1. Time of holding October term changed to first Monday in November.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding the October term of the said probate court of Martin county be so changed that the term of said probate court heretofore required to be held on the fourth Monday in October in each year be hereafter held on the first Monday in November in each year.

That this act be in force from and after its passage.

CHAPTER LVII.

AN ACT to provide for an extension of the time of holding the terms of the Marion Probate Court.

[APPROVED JANUARY 19, 1850.]

SECTION 1. May sit two weeks.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court of Marion county be authorized to sit two weeks at any term of said court, if the business thereof may require.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LVIII.

AN ACT to change the time of holding the Probate Court of Allen county.

[APPROVED JANUARY 21, 1850.]

SECTION

1. When August term to commence.
2. May sit two weeks—extra compensation to judge.

SECTION

3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That said court shall at the August term thereof commence its session on the second Monday of August.

Sec. 2. That an act extending the time of holding the probate courts in the county of Allen and for other purposes, approved January 13th, 1845, is hereby revived.

Sec. 3. This act to be in force from and after its passage, and all laws conflicting herewith are hereby repealed.

CHAPTER LIX.

AN ACT to extend the term of the Probate Court of the county of Monroe, and for other purposes.

[APPROVED JANUARY 21, 1850.]

SECTION

1. May sit two weeks.
2. Compensation of Probate Judge and county commissioners.

SECTION

3. When in force—Secretary of State to forward copy—repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the probate court of the county of Monroe to sit two weeks, if the business thereof require it.

Sec. 2. That the probate judge and county commissioners of said county of Monroe shall from and after the passage of this act each be entitled to the sum of two dollars per day for their services as such.

Sec. 3. This act to be in force from and after its passage, and a certified copy thereof filed in the clerk's office of Monroe county, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk's office aforesaid immediately; and all acts and parts of acts contravening any of the provisions of this act be and the same are hereby repealed, so far as relates to the county of Monroe.

CHAPTER LX.

AN ACT to extend the terms of Probate Courts of certain counties.

[APPROVED DECEMBER 23, 1849.]

SECTION

1. Length of terms in the counties of Franklin, Madison, Hancock, Rush, and Bartholomew, for years 1849-50.

SECTION

2. Secretary of State to transmit copies.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate courts for the counties of Franklin, Madison, Hancock, Rush, and Bartholomew, may hold their several terms for the years of 1849 and 1850, as long as the business of said courts may require.

Sec. 2. This act shall take effect and be in force from and after

its passage, and the Secretary of State shall immediately transmit a copy of this act to each of the clerks of said courts, which shall be filed in their offices respectively.

CHAPTER LXI.

AN ACT to amend the act entitled "an act to change the time of holding the Probate Court in Franklin county," approved February 15, 1848.

[APPROVED JANUARY 3, 1850.]

SECTION

1. May sit twelve days.

SECTION

2. Certain sessions legalized.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the probate court of Franklin county shall hereafter sit twelve days at each term, if the business shall require it.*

Sec. 2. That the several sessions of the probate court of said county, held since the passage of the act entitled "an act to change the time of holding the probate court in Franklin county," approved February the 15th, 1848, be and the same are hereby legalized and held as valid, as though the days on which they were held had been fixed by law.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXII.

AN ACT to change the time of holding Probate Courts of Dearborn county.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Time of holding said court—length of January and August sessions.

SECTION

2. Suits, &c., when to stand for trial.
3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the times for holding the probate court of Dearborn*

county be so far changed that hereafter said court shall meet on the fourth Mondays in January and the first Mondays in August in each year, instead of the third Mondays in February and August; and said court shall only hold its session six days at the January and August sessions thereof in each year.

Sec. 2. That all suits and estates now pending in said court, wherein citations, attachments, or any other process have issued, made returnable on the third Mondays in February, or wherein publication has been made in a newspaper requiring parties to appear on that day, shall stand for trial the same as if there had no change in the time of holding said court been made.

Sec. 3. That all laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

Sec. 4. This act to be in force from and after its passage.

CHAPTER LXIII.

AN ACT to change the time of holding the February term of the Probate Court in the county of Crawford.

[APPROVED JANUARY 15, 1850.]

SECTION

1. The February term to commence on the first Monday.

SECTION

2. All matters pending how governed.
3. Secretary of State to forward copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the February term of the probate court, in the county of Crawford, shall hereafter commence on the first Monday in February of each year, instead of the second Monday of said month.*

Sec. 2. That all matters that are now, or that may hereafter be pending in said court shall be conducted in all respects in conformity to the provisions of the first section of this act.

Sec. 3. This act to be in force from and after its passage, and the Secretary of State shall forthwith forward a copy of this act to the clerk of the circuit court of said county.

CHAPTER LXIV.

AN ACT to repeal the second section of an act, entitled "An act to change the time of holding the probate courts in the counties of Perry and Harrison," approved December 30, 1845, and for other purposes.

[APPROVED JANUARY 19, 1850.]

SECTION

1. The second section of a certain act repealed.

SECTION

2. The time of holding said courts.
3. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act, entitled "An act to change the time of holding the probate courts in the counties of Perry and Harrison," be, and the same is hereby repealed.

Sec. 2. That after the taking effect of this act the probate court of Harrison county shall commence its sessions on the second Mondays of February, May, August, and November in each year.

Sec. 3. This act shall take effect and be in force from and after the first day of April, 1850.

CHAPTER LXV.

AN ACT to extend the time of the sittings of the Probate Court of Fulton county.

[APPROVED JANUARY 14, 1850.]

SECTION 1. May sit nine days at each term.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Fulton county shall hereafter be authorized to set nine days at each term thereof, if the business shall require it.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXVI.

AN ACT to change the time of holding the Probate Courts in the county of Randolph.

[APPROVED, JANUARY 21, 1850.]

SECTION

1. When May and November sessions to begin.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the probate court of Randolph county shall begin its session on the third Mondays of May and November in each year.

Sec. 2. This act shall be in force from and after its passage, and all laws conflicting therewith are hereby repealed.

CHAPTER LXVII.

AN ACT to regulate the manner of doing business in the Jasper Probate Court.

[APPROVED JANUARY 17, 1850.]

SECTION

1. No executor or administrator be allowed to receive any fee until final settlement.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That no executor or administrator shall, after the passage of this act, be allowed, or shall receive any fee or fees in the Jasper probate court, until such executor or executors shall have made a final settlement of said estate.

Sec. 2. That all acts and parts of acts conflicting with this act, so far as the same relates to Jasper county, be, and the same are repealed.

This act to be in force on and after its passage.

CHAPTER LXVIII.

AN ACT relating to the Probate Court of Parke county.

[APPROVED, JANUARY 18, 1850.]

SECTION

1. Repealing clause.

SECTION

2. May sit one week.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the second section of an act, entitled "An act to change the time of holding the probate court in the county of Parke," approved January 22, 1847, which authorizes said court to continue in session nine days shall be, and the same is hereby repealed.*

Sec. 2. That the probate court in said county shall hereafter be allowed to sit one week, if the business thereof shall require it, and no longer.

This act to take effect and be in force from and after its passage.

CHAPTER LXIX.

AN ACT to amend the 224th section of the 30th chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Publication of notice of petition to sell real estate, to be three weeks successively, and given thirty days before hearing.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the publication contemplated by section two hundred and twenty-four, of chapter thirty, of the Revised Statutes of 1843, when necessary to be made, shall be by three, weeks successive publication, and shall be given thirty days before the time for hearing the same.*

CHAPTER LXX.

AN ACT relative to appeals and changes of venue from Probate Courts.

[APPROVED JANUARY 12, 1850.]

SECTION

1. Causes in Circuit Court originating in Probate Courts, may be taken to the Supreme Court by appeal or writ of error—how determined in the Supreme Court.

2. Transcript from Circuit Court, how made out, and costs taken and collected.

SECTION

3. Party taking up to comply with usual rules—Supreme Court to certify their decision to Probate Court—after proceedings, how conducted.

4. Change of venue may be taken to Circuit Court, and on what terms.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter, nothing contained in the provisions of the 33d, 34th, and 35th sections, of chapter 39, of the Revised Statutes of 1843, shall be so construed as to prevent causes being taken by appeal or writ of error, from the Circuit Courts of this State, to the Supreme Court, which originated in the Probate Courts, by either of the parties to the same; but such appeals may be taken, and writs of error sued out, as in other cases; and the Supreme Court shall have the same jurisdiction thereof, and entertain, hear, and determine the same as though such causes had been taken in the first instance from such Probate Courts, without regard to the decision of such causes in the Circuit Courts.*

Sec. 2. The Clerks of the Circuit Courts shall, in making out any transcript of the proceedings in any such case, (which shall include the transcript from the Probate Court,) tax thereon all the fees accrued in the Circuit Court, and the same shall be included in the judgment of the Supreme Court, against the losing party, and shall be collectable by fee bill or otherwise, from said Supreme Court, and by the Clerk thereof paid over to the Clerk of such Circuit Court for the use of the parties entitled thereto.

Sec. 3. The party taking up any such cause from any Circuit Court, shall comply with the usual rules and regulations in other cases; and the Supreme Court shall certify their determination of any such cause to the proper Probate Court, and the after proceedings therein shall be in every respect the same as though such cause had never been taken to the Circuit Court.

Sec. 4. That in all causes pending in any Probate Court, either of the parties thereto shall be entitled to a change of venue to the Circuit Court of the same county, where any of the objections shall exist against the judge thereof, which now by law authorize a

change of venue from the Circuit Courts in civil cases, and it shall be granted upon the same terms.

Sec. 5. This act to take effect and be in force from and after its passage.

CHAPTER LXXI.

AN ACT to amend the 36th section of the 37th chapter of article 1, of the Revised Statutes of 1843.

[APPROVED, JANUARY 19, 1850.]

SECTION 1. Any one judge of the Supreme Court may grant a supersedeas in term time as in vacation.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the 36th section of the 37th chapter of article 1, of the Revised Statutes of 1843, concerning the power of the Supreme Court, to grant writs of supersedeas, be, and the same is hereby amended so as to authorize any one judge of said court to grant writs of supersedeas during term time as well as in vacation.*

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXXII.

AN ACT to amend section 65, of chapter 54, of the Revised Statutes of 1843, as far as relates to the county of Tippecanoe,

[APPROVED JANUARY 19, 1850.]

SECTION 1. Persons adjudged to pay fine and costs in Tippecanoe county, may be discharged from custody, when and how—execution may still issue.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That when any person adjudged to pay any fine and costs or either for any crime or offence, shall be committed to the jail of Tippecanoe county, for failure to pay or replevy the same, the court in term time, or one of the associate judges in vacation, may order*

such person to be discharged from such custody, if such court or judge shall be satisfied by satisfactory proof that such person is unable to pay or replevy such fine or costs, or fine and costs, as the case may be, after such person shall have remained in jail a sufficient number of days to amount to the same, at the rate of fifty cents per day, and not sooner: *Provided, That an execution may still issue against his goods and chattles, lands and tenements, to collect the same.*

Sec. 2. This act shall be in force from and after its passage.

CHAPTER LXXIII.

AN ACT relative to the acknowledgment and recording of deeds heretofore made and recorded.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Certain deeds acknowledged prior to January 29, 1842, legalized.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That all deeds and conveyances made and executed without this State, and acknowledged before any notary public, mayor of a town or city, or the Clerk of any Court of Record of any other State, the same being certified under the hand and seal of office of such notary, mayor, or clerk, and being brought here and recorded in the county in which the lands granted or conveyed by such deed, are situate, at any time prior to the taking effect of an act entitled "an act further to amend an act entitled 'an act for the prevention of frauds and perjuries,'" approved January 24th, 1831, approved January 29th, 1842, shall have the same force and effect as if such deeds had been made, acknowledged, and certified, after the taking effect of said act, and the records of such deeds acknowledged, certified, and recorded as aforesaid, shall be evidence in like manner, and to the same extent, as if they had been made, certified, acknowledged, and recorded, after the taking effect of said act, and during its continuance in force.*

CHAPTER LXXIV.

AN ACT to authorize the taking of depositions of practising physicians in certain cases.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Of practicing physicians may be taken, when and how.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the depositions of practising physicians may be taken by either party in the manner and according to the regulations provided by law, to be used or read in any suit or matter pending in any court, in cases where the trial is to be held in a county in which any such physician does not reside.*

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXXV.

AN ACT to repeal an act entitled "An act to amend section 101, of chapter 38, of the Revised Statutes of 1843."

[APPROVED, JANUARY 19, 1850.]

SECTION 1. Clerks of Probate Courts and their deputies may practice as attorneys in Tipton and Morgan counties.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the act entitled "An act to amend section 101, of chapter 38, of the Revised Statutes of 1843," approved, January 16, 1849, be, and the same is hereby repealed, so far as the same relates to the county of Tipton and Morgan.*

[Sec. 2.] All laws and parts of laws that were repealed by the above entitled act, be and the same are hereby revived.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVI.

AN ACT to repeal an act therein named, so far as the county of Fayette is concerned.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Clerk of Probate Court and deputies may practice as attorneys in Fayette county.

[Section 1.] *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "An act to amend section 101, of chapter 38, of the Revised Statutes of 1843," approved, January 16, 1849, is hereby repealed, so far as the county of Fayette is concerned.*

This act to be in force from and after its passage.

CHAPTER LXXVII.

AN ACT to repeal an act therein named.

[APPROVED, JANUARY 19, 1850.]

SECTION 1. Deputy Clerks in Fayette, Gibson, and Vigo counties may practice as attorneys.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That so much of an act entitled, "An act to amend section 101, of chapter 38, of the Revised Statutes of 1843," approved, the 16th of January, 1849, as relates to deputy clerks, be and the same is hereby repealed so far as the counties of Fayette, Gibson, and Vigo are concerned.*

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXVIII.

AN ACT to amend article 5, chapter 28, of the Revised Statutes of 1843.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Intestate dying without children or their descendants, one half of the estate acquired by devise, gift, or purchase, during

SECTION

coverture, to go the widow and her heirs in fee simple.
2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That article 5, chapter 28, of the Revised Statutes of 1843, be so amended, that in all cases where the intestate shall die without children or their descendants to take the inheritance, one half of said inheritance shall go to the widow of said deceased, if living, and to her heirs in fee simple; Provided, however, that the provisions of this act shall not extend to any property not acquired by devise, gift, or purchase during coverture.*

Sec. 2. This act to take effect and be in force from and after its passage, and all laws or parts of laws coming within the provisions of this act be and the same are hereby repealed.

CHAPTER LXXIX.

AN ACT for the relief of Widows whose husbands die intestate, without any heirs lineally descended from them.

[APPROVED JANUARY 19, 1850.]

SECTION 1. When any person dies intestate, without heirs lineally descended, the estate how distributed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter when any person dies intestate, without heirs lineally descended, leaving a wife alive at the time of his death, on the settlement of said estate by his administrator, the residue of the personal estate, after the payment of the debts of said intestate, shall be paid over to the said widow and her heirs; or an amount equal to the dowry or personal property brought by the said widow at the time of her marriage with the said intestate, or received by him during coverture, on account of the said widow, where that residue does not exceed the amount of said property so*

received by said intestate during the coverture aforesaid in right of his wife; and the remainder to follow the present rules of distribution.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXXX.

AN ACT to amend the 18th Section of Article 3, Chapter 5, of the Revised Statutes of 1843.

[APPROVED JANUARY 3, 1850.]

SECTION 1. County boards may establish additional places of elections whenever the convenience of the people require it.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the following words in section 18, article 3, chapter 5, to-wit: "in which the number of votes polled annually exceeds eight hundred," be and the same is hereby repealed.*

Sec. 2. This act to be in force from and after its publication.

CHAPTER CXXXI.

AN ACT to establish an additional precinct in Marrs township in the county of Posey.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Two inspectors of, to be elected and where to reside.
2. Additional poll opened and election where held.

SECTION

3. All qualified voters may vote at such additional poll.
4. Returns where and how made.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of Marrs townships, in Posey county, shall hereafter, at the annual Spring election for township officers, elect two inspectors of elections one of which said inspectors shall*

reside in congressional township No. 6, the other in congressional township No. 7.

Sec. 2. That the said inspectors so chosen for township No. 7, shall at the time and in the manner prescribed by the several election laws now in force in this State, open an additional poll and hold elections for all purposes at the town of West Franklin.

Sec. 3. It shall be lawful for all qualified voters of Marrs township to vote at such additional poll at all elections.

Sec. 4. The returns of elections shall be made by said inspectors to the places and in the manner now prescribed by law.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXII.

AN ACT to authorize the voters of Washington township, in the county of Blackford, to vote at Hartford in said county.

[APPROVED JANUARY 15, 1850.]

SECTION 1. Qualified voters, at general elections, may vote at Hartford.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Washington township, in Blackford county, be and they are hereby authorized and allowed to vote at each general election at the precinct in Hartford, Licking township.

Sec. 2. This act to be in force from and after its passage.

CHAPTER LXXXIII.

AN ACT to amend an act entitled "An act to confine voters to their respective townships," approved January 13, 1845, so far as the same relates to the county of Martin.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Qualified voters of Martin county, at general elections, may vote in townships contiguous to that in which they reside.

SECTION

2. Repealing clause.

WHEREAS, It is extremely inconvenient for a large portion of the voters of the county of Martin, at many seasons of the year, to get to and from their respective precincts in the several townships of said county, and is at all times so for many of them, on account of the manner in which said county is divided from one extremity to the other by the East Fork of White River, and some of its tributaries;

AND WHEREAS, Owing to the peculiar location of said county it is impossible to remedy the inconveniences aforesaid by changing the boundaries of the several townships therein, or the places of holding elections in said townships; THEREFORE:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to confine voters to their respective townships," approved January 13, 1845, be and the same is hereby so amended that hereafter the qualified voters of the county of Martin shall be permitted and allowed to vote at any general election therein in any township of said county adjoining or contiguous to the one in which they may respectively reside.

Sec. 2. That so much of the said act, to which this act is an amendment, as contravenes the provisions of this act, be and the same is hereby repealed so far as the same relates to said county of Martin.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER LXXXIV.

AN ACT to establish an additional place of holding elections in Eagle township, in Boone county.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Additional inspector to be elected—to open poll at Royalton—how governed.
2. Votes when, where, and how compared—certificates of election—how governed.

SECTION

3. County Auditor to appoint inspector—term of service.
4. Secretary of State to transmit copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified electors of Eagle township, in Boone county, be and they are hereby authorized to elect an additional inspector of elections for said township who shall open a poll for the reception of votes at Royalton in said township of Eagle, and shall be governed in all respects by the laws regulating general, special, and township elections in this State.

Sec. 2. In order to determine who are elected supervisors of roads, fence-viewers, constables, justices of the peace, and other township officers, the judges and inspectors of elections at Royalton shall make a certificate under their hands and seals, stating the whole number of votes given at said poll for such township offices; and the inspector, or one of the judges, shall on the day succeeding the day of election meet the inspector, or one of the judges of elections, at Eagle Village, who shall compare the votes, and give certificates of election to persons receiving the greatest number of votes for the offices to which a certificate of election is required to be given by the board of judges of elections, and which shall be signed, and delivered, and governed, in all respects by the law now in force; the returns in all other respects shall be as prescribed by the laws of this State.

Sec. 3. It shall be the duty of the county auditor of Boone county to appoint an inspector of elections at Royalton, who shall serve as such until his successor is elected and qualified.

Sec. 4. This act shall be in force from and after its passage and publication; and the Secretary of State is hereby directed to transmit a certified copy hereof to the auditor of said county of Boone.

CHAPTER LXXXV.

AN ACT to authorize the voters of Daviess county to vote in Washington township in said county.

[APPROVED JANUARY 15, 1850.]

SECTION 1. At general elections, may vote in Washington township.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the voters of the several townships in Daviess county be and they are hereby authorized and allowed to vote at each general election at the precinct in Washington township.
This act to be force from and after its passage.

CHAPTER LXXXVI.

An act establishing additional places of holding elections in certain counties therein named.

[APPROVED DECEMBER 21, 1849.]

SECTION

1. Additional places of election established.
2. Duty of county board.
3. Duty of Inspectors and how governed—county board in Johnson county may

SECTION

- order an additional poll in Clark township.
4. Secretary of State to transmit, and county auditors to lay copies before board.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be an additional place of holding elections in Monroe township, Pike county, Wood township, in Clark county, Jackson township, in Hancock county, Johnson township, in Gibson county, Richland township, in Green county, Washington township, in Delaware county, Spiceland township, in Henry county, Dick Johnson township, in Clay county, Shawnee township, in Fountain county, Kelso township, in Dearborn county, Vernon and Salt Creek townships, in Jackson county, Philomath, in Brownsville township, at or near Goodwin's store, in Centre township, in Union county, in Jackson township, Hamilton county. The commissioners, if they think proper, may authorize the holding of elections at two additional places in Brown and Ripley townships, in Montgomery county.

Sec. 2. It shall be the duty of board of commissioners of the several counties aforesaid, at their March term, 1850, in their

respective counties, to establish the additional place of holding elections in the townships aforesaid.

Sec. 3. It shall be the duty of the inspectors of elections in said townships, to meet the next succeeding day after said election, unless the same should be on Saturday, then on the next Monday, at the oldest place of holding elections in their respective townships, and compare the result of the votes taken at every township election for township officers; and it shall be the duty of said inspectors, for their respective townships, to make out certificates of election of each township officer elected at said township election, and the same shall be signed by the inspectors of their respective townships, in the same manner as is now required of such inspectors, and in all other things, said inspectors shall be governed by the laws now in force, regulating elections and defining the duties of inspectors of elections; and as to county and State elections, the said inspectors shall, in all things, be governed by the general law regulating elections and defining the duties of inspectors; *Provided, further,* That the board of commissioners of Johnson county may, if they judge the same expedient, order an additional place of holding elections under the provisions of this act, in Clark township in said county.

Sec. 4. This act to be in force from and after its passage, and it shall be the duty of the Secretary of State, to transmit a certified copy of this act, to the county auditors of said counties, and shall be by said auditors, laid before said commissioners, at their March term.

CHAPTER LXXXVII.

An act to change the time of holding the Board of Equalization in the county of Warren.

[APPROVED JANUARY 15, 1850.]

SECTION

1. Time of holding and length of session.
2. The county Assessor, when to make his return.

SECTION

3. Owners of property to return corrected list by the 25th of April.
4. General Law amended to conform to this act.
5. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the board of equalization, in the county of Warren, shall sit on the first Monday of May, annually, and shall sit as long as the business thereof may require.

Sec. 2. That the assessor of said county of Warren, shall make

a return of his assessments to said board, on said first Monday of May.

Sec. 3. That, so far as the county of Warren and State Indiana is concerned, section thirty-seven of chapter twelve of the Revised Statutes of eighteen hundred and forty-three, be so amended as to read the twenty-fifth day of April, instead of May.

Sec. 4. That the word "June," wherever it occurs in said chapter, shall read "May," instead of "June," so far as the county of Warren and State of Indiana is concerned.

Sec. 5. That all laws coming in conflict with this act, shall be repealed, so far as the county of Warren is concerned.

Sec. 6. This act shall be in force from and after its passage.

CHAPTER LXXXVIII.

AN ACT to amend the tenth section of chapter twenty-one, of the Revised Statutes of 1843.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Certain estrays taken up and advertised may be reclaimed, and in what manner.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the tenth section of chapter twenty-one, of the Revised Statutes of 1843, be amended by adding at the end of said section the following: That when any property has been taken up and advertised according to law, the owner of said property may go before any justice of the peace having jurisdiction over the township in which the property may have been taken up, and prove his property by any disinterested witness or witnesses, and when the property has been proven to the satisfaction of said justice, he shall determine what the taker up shall be entitled to receive for his trouble and expense of taking up and keeping said property, unless the amount may have been agreed upon by the taker up and owner of said property, and when the owner shall have paid the amount thus agreed upon, or determined by the justice, he shall be entitled to his property without suit, or delay on the part of the taker up.

Sec. 2. This act to be in force from and after passage.

CHAPTER LXXXIX.

AN ACT to provide for ascertaining the value of personal property exempt from execution.

[APPROVED JANUARY 12, 1850.]

SECTION

1. Appraisers to be appointed by parties.
2. In case of failure to agree, a third appraiser appointed, and by whom.

SECTION

3. When the officer may appoint appraisers.
4. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act exempting personal property from execution," approved January 13th, 1845, be so amended that for the purpose of ascertaining the value of the property by said act reserved, exempted, and saved from execution, the execution plaintiff, his agent or attorney, may select one appraiser, and the defendant or defendants another, both of whom shall be resident householders of the township where such levy is about to be made, who after having taken an oath or affirmation, to be administered by the officer holding the writ of execution, faithfully and impartially to discharge their duties, shall proceed to make a just and true valuation of the property exempted by the act to which this is an amendment.

Sec. 2. In case said appraisers shall not agree upon the value of the property to be set apart and exempted from execution and sale, they shall select a third person of like qualifications, in which case the appraisalment of any two of them shall be taken as the true value of such property, and said appraisalment, when so made, shall be delivered to the officer holding the execution, to be by him returned to the court whence execution issued.

Sec. 3. In all cases when either of the parties shall refuse or neglect to select an appraiser, or in case any person selected shall refuse to serve as such, it shall be the duty of the officer holding such execution, to appoint some person or persons possessed of the proper qualifications, in the place of such person or persons so neglecting or refusing.

Sec. 4. This act to be in force from and after its passage; and all laws coming in conflict with the same, be, and are hereby repealed.

CHAPTER XC.

AN ACT to authorize the sale of the dam of the Andersontown and Muncie Feeder of the lateral cut of the Northern Division of the Central Canal.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Jonas Shoemaker appointed commissioner to make sale of.
2. Said commissioner to execute deed for, when and how.

SECTION

3. Said commissioner, when and where to make report, &c.—failing to make sale, no expenses allowed.
4. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jonas Shoemaker, of Delaware county, be, and he is hereby appointed, a commissioner to sell at private sale to the highest and best bidder, and for the highest and best price bidden therefor, the feeder dam of the Andersontown and Muncie feeder of the lateral cut of the Northern Division of the Central Canal.

Sec. 2. It shall be the duty of said commissioner, so soon as he shall have sold said dam, and received the full amount of the purchase money therefor, to make, execute, and deliver to said purchaser, a quit claim deed of conveyance for said dam, sufficient to convey to said purchaser all of the interest of the State of Indiana in said dam, and the materials composing the same.

Sec. 3. It shall be the duty of said commissioner, so soon as said sale is effected, and said deed of conveyance executed, to report to the Treasurer of State the amount for which said dam was sold, which said amount shall be subject to the order of said Treasurer, except so much thereof as may be necessary to defray the expenses of said sale and conveyance: *Provided, however*, If said commissioner shall not succeed in selling said dam, no amount whatever shall be appropriated out of the State Treasury for the purpose of paying any expenses.

Sec. 8. All laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed; this act to be a public act, and in force from and after its passage.

CHAPTER XCI.

AN ACT to cede and transfer the right and interest of the State in and to the Northport Feeder Dam to the Board of Commissioners of the county of Noble, for the use of common schools.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Northport Feeder Dam ceded to Noble county—profits how appropriated.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the State of Indiana does hereby cede, transfer, and convey unto the board of commissioners of Noble county, and their successors in office forever, all the right, title, and interest of the State of Indiana in and to the Northport Feeder Dam and water power, with the appurtenances thereto belonging, to have and to hold the same as trustees for the use of the people of said county, subject to the right and power of said board to lease out and rent said water power annually, or for a term of years, which said water rents, and all other profits arising from said dam, (after the payment of the necessary expenses and repairs thereon,) shall be paid over to the Treasurer of said county, for the use and benefit of the common schools of said county of Noble.

This act to be in force from and after its passage.

CHAPTER XCII.

AN ACT fixing the salary of the Auditor of the county of Owen.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Compensation of Auditor, and how allowed, in Owen county

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Owen, is hereby authorized to allow the auditor of said county, for his services, the same fees as are now by law allowed to the auditor of the county of Monroe for like services performed by him: *Provided,* That for any one year the fees shall not in all exceed

the sum of \$300, over and above the per centum now allowed such auditor for managing the school funds, which he shall still receive as heretofore.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XCIII.

AN ACT to increase the pay of the probate judge of Harrison county.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Compensation of Probate Judge, and how allowed, in Harrison county

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Board of Commissioners of Harrison county are hereby authorized and directed to allow and order to be paid to the probate judge of said county, a compensation in addition to that now allowed him by law, not exceeding one dollar per day for every day employed in his official capacity, to be paid out of the treasury of said county.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XCIV.

AN ACT to increase the *per diem* allowance of the Probate Judge of the Probate Court of Fountain county.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Compensation of probate judge in Fountain county.

SECTION

2. What portion out of county treasury.
3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate judge of the probate court of Fountain county shall hereafter be allowed and receive the sum of three dollars per day for every day that he may be engaged in the exercise of the duties of his said office.

Sec. 2. That the excess over his regular salary be paid out of the county treasury of said county.

Sec. 3. This act to take effect and be in force from and after its passage, and all acts and parts of acts coming in conflict with the provisions of this act be, and the same are hereby repealed.

CHAPTER XCV.

AN ACT to increase the pay of the Board of Commissioners of Daviess county.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Compensation of commissioners—Repealing clause.

SECTION

2. Secretary of State to transmit copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of Commissioners of Daviess county be, and they and each of them are hereby allowed the sum of two dollars per day for their services as such, and that all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed, so far as relates to the county of Daviess.

Sec. 2. This act to be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a certified copy of this act to the auditor of said county.

CHAPTER XCVI.

AN ACT relative to the Probate Judge of Randolph county.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Compensation of probate judge, and how paid.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the probate judge of Randolph county shall, in addition to his present *per diem* allowance, be allowed the farther sum of one dollar per day, to be paid from the treasury of said county, for each day he may be employed in the discharge of his duties as such judge.

Sec. 2. This act to be in force from and after its passage.

CHAPTER XCVII.

AN ACT defining the duties of Auditor and Treasurer of the counties of Delaware and Randolph.

[APPROVED JANUARY 5, 1850.]

SECTION

1. County auditor and treasurer to report annually amount of fees, &c.—to whom, and when.
2. Said report to specify the kind and amount of services, and verified by oath or affirmation.
3. County board to cause said reports to be spread at full length upon order book, and certified copies posted up in the clerk's office.

SECTION

4. Such fees, &c., to constitute a fund to pay auditor and treasurer for services.
5. Compensation of auditor, and how allowed.
6. Compensation of treasurer, and how allowed.
7. Overplus of said fund to constitute a part of the county revenue—County board may make quarterly allowances, and how.
8. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall, from and after the first Monday in June next, be the duty of the county auditor and the county treasurer and collector of the counties of Delaware and Randolph, annually to report in writing to the board of county commissioners of said counties the full and complete amount of the fees, perquisites, salaries, and per centage of their respective offices now allowed by law for the year immediately preceding their said report.

Sec. 2. It shall be the duty of said auditor and treasurer, in their said reports, to specify particularly the kind and amount of

services, together with the amount of fees, salaries, per centage, and perquisites received or due for each item of service which said reports shall be verified by the oath or affirmation of the said auditor and treasurer respectively.

Sec. 3. It shall be the duty of the said board of commissioners to cause said reports, when so made, to be entered at full length upon the order book of said board, and a copy thereof certified by the clerk of said board, to be posted up in some conspicuous place in the clerk's office of the circuit court of said counties.

Sec. 4. The said fees, salaries, and per centage so reported by said auditor and treasurer shall be, and are hereby constituted a fund for the payment of said auditor, treasurer and collector separately for their services as such officers.

Sec. 5. It shall be the duty of the said board of commissioners to make an allowance to said auditor, payable out of the said fees, salary, and per centage, &c., so reported by said auditor, annually, five hundred dollars, provided the said fees, salary, per centage, &c., of his said office amount to that sum, if not, then said allowance shall be for the full amount of said fees, salary, per centage, &c., which said allowance, when so made, shall be a full payment for all of the services by law required of him as such auditor.

Sec. 6. It shall be the duty of the said board of commissioners to make an allowance to said treasurer and collector, payable out of the said fees, salary, per centage, &c., so reported by said treasurer and collector, annually, five hundred dollars, provided the said fees, salary, per centage, &c., of his said office amount to that sum, if not, then said allowance shall be for the full amount of said fees, salary, per centage, &c., which said allowance, when so made, shall be a full payment for all of the services by law required of him as such treasurer and collector.

Sec. 7. The overplus of said fund, if any exists after the payment of the allowances in the fifth and sixth sections of this act specified, shall be, and the same is hereby constituted a part of the county revenue of said counties of Delaware and Randolph, subject to the same laws, rules, and regulations that now govern the collecting and disbursement of the county revenue of said counties: *Provided, however,* That said board of commissioners may, upon suggestion accompanied by a quarterly report of said auditor and treasurer, or either of them, make quarterly allowances to said auditor and treasurer, or either of them, payable as specified in sections five and six of this act, for their services as such during the quarter immediately preceding said report: *Provided further,* That said quarterly allowances shall in no instance exceed the said sum of five hundred dollars for one year's service.

Sec. 8. All laws and parts of laws contravening the provisions of this act be, and the same is hereby repealed.

Sec. 9. This act to be in force from and after its passage.

CHAPTER XCVIII.

AN ACT to increase the per diem allowance of the Probate Judge of the Probate Court of Vermillion county.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Compensation of Probate Judge.
2. Excess to be paid out of county treasury.

SECTION

3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate judge of the probate court of Vermillion county, shall hereafter be allowed and receive the sum of three dollars per day, for every day that he may be engaged in the exercise of the duties of his said office.

Sec. 2. That the excess over his regular salary be paid out of the county treasury of said county.

Sec. 3. This act to take effect and be in force from and after its passage; all acts and parts of acts coming in conflict with the provisions of this act be and they are hereby repealed.

CHAPTER XCIX.

AN ACT to repeal an act entitled "An act to regulate Clerks' fees in the Probate Court of Parke county," approved Jan. 16, 1849.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Act reducing the fees of the Clerk of Park Probate Court, repealed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act to regulate Clerks' fees in the probate court of Park county, approved January 16, 1849, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER C.

AN ACT to increase the pay of the Probate Judges of the counties of Knox, Kosciusko, and Randolph.

[APPROVED JANUARY 19, 1850.]

SECTION 1. County boards may allow probate judges, not exceeding \$1.00 per day, out of county treasury.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boards of commissioners of the counties of Knox, Kosciusko, and Randolph, be and they are hereby authorized to allow to the probate judges of their respective counties, any sum not exceeding one dollar per day, out of their respective county treasuries, when they, in their discretion, shall deem it proper to do so.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CI.

AN ACT to increase the salary of Probate Judge of Elkhart county.

[APPROVED JANUARY 14, 1850.]

| | |
|---|----------------------|
| SECTION | SECTION |
| 1. Additional compensation of probate judge and how paid. | 2. Repealing clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the probate judge of Elkhart county, shall receive, in addition to his present salary, one dollar per day, for each day engaged in the discharge of his official duties in term time, the same to be paid out of the county treasury upon the warrant of the county auditor.

Sec. 2. All acts or parts of acts coming in conflict with this act, are hereby repealed.

Sec. 3. This act to be in force from and after its passage, and a copy thereof, filed in the clerk's office of said county.

CHAPTER CII.

AN ACT to amend an act entitled "An act to abolish the office of County Auditor, in the county of Johnson," approved Jan. 14, 1846.

[APPROVED JANUARY 19, 1850.]

| | |
|--|----------------------|
| SECTION | SECTION |
| 1. Compensation of auditor, and how allowed. | 2. Repealing clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the performance by the clerk of the Johnson circuit court, of all the duties imposed upon him by an act entitled "An act to abolish the office of county auditor, in the county of Johnson," approved January 14th, 1846, and the performance of all other duties required of county auditors, which shall be performed by said clerk, said clerk shall be entitled to the fees allowed county auditors, on trust and school funds, and also, any sum not exceeding two hundred dollars annually, to be allowed by the county board of said county, and paid out of the county treasury, which shall be in full and in lieu of all other fees not above enumerated.

Sec. 2. All laws allowing to the clerk of the Johnson circuit court, for the performance of the duties imposed upon him by the aforesaid act, any other or further fees or compensation than the fees, per cents., and allowance by the county board, above in the preceding section mentioned, are hereby repealed, so far as concerns said county of Johnson.

This act shall be in force from and after its passage.

CHAPTER CIII.

An act relative to the extra pay of Clerk and Auditor of the county of Parke.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Compensation of clerk and auditor, and by whom allowed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county board of the county of Parke, shall not

allow the clerk of the Park circuit court, more than one hundred dollars for extra services annually, and that said board shall not allow more than seventy dollars to the county auditor of said county of Park, annually, for extra services.

Sec. 2. That this act be in force from and after its passage.

CHAPTER CIV.

AN ACT fixing the salary of the Auditor of Miami County.

[APPROVED JANUARY 18, 1850.]

SECTION

1. Compensation of county auditor.
2. Auditor to collect fees and report the same to commissioners.

SECTION

3. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the auditor of Miami county, shall be entitled to receive from said county, the sum of five hundred dollars, for his services as such auditor, for each and every year, which sum shall be in full for all compensation now received by said auditor; Provided, however, That nothing herein contained, shall be so construed as to deprive said auditor from receiving any perquisites paid by individuals.*

Sec. 2. The said auditor shall continue to receive the fees and perquisites now provided for by law, for the use of said county, which fees and perquisites shall be credited by said auditor, upon his salary, as provided in the first section of this act, a detailed statement of which fees and perquisites shall be kept by said auditor, and reported to the board of commissioners of said county, verified by the affidavit of such auditor.

Sec. 3. This act to take effect and be in force from and after the first of March, eighteen hundred and fifty-one.

CHAPTER CV.

AN ACT to increase the pay of the Clerk of the Carroll Circuit Court, for discharging the duties of Auditor of Carroll county.

[APPROVED JANUARY 19, 1850.]

SECTION 1. County board may make an additional annual allowance, not exceeding \$200, for services as Auditor.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the County Commissioners of Carroll county, be, and they are hereby authorized in their discretion, to make an annual allowance to the Clerk of the Carroll Circuit Court, for discharging the duties of Auditor of said county, not exceeding two hundred dollars, in addition to the allowance now made.*

Sec. 2. This act to be in force and take effect from and after its passage.

CHAPTER CVI.

AN ACT to regulate witness' fees in the courts of Common Pleas, and the Probate Courts of the State of Indiana.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Witnesses in, allowed same fees as in Circuit Court.

SECTION

2. Repealing clause.
3. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That all witnesses in the courts of Common Pleas, and in the Probate Courts of this State shall hereafter be entitled to and receive the same fees as are now, or may hereafter be allowed to witnesses in the Circuit Courts of this State.*

Sec. 2. All laws or parts of laws contravening the provisions of this law, be and the same are hereby repealed.

This act to be in force from and after its passage and publication.

CHAPTER CVII.

AN ACT to regulate the fees of Jurors in the county of Adams and other counties therein named.

[APPROVED JANUARY 16, 1850.]

SECTION

1. Compensation of jurors in certain counties.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the regular pannel of grand and petit jurors in the counties of Adams, Wells, Morgan, Rush, Madison, Jay, Henry, Gibson, Sullivan, Switzerland, Pike, Vanderburgh, Parke, Jennings, Union, Posey, Knox, and Fayette, shall each receive one dollar per day for each and every day that they shall be in attendance on said court as such jurors, and five cents per mile for each and every mile that they shall necessarily travel in going to, and from said court; *Provided, however*, That they shall in no case be allowed mileage for travelling to and from court more than once at the same term.

Sec. 2. All laws conflicting with the provisions of this act are hereby repealed.

This act to be in force from and after its passage.

CHAPTER CVIII.

AN ACT regulating the pay of the Probate Judge of Vanderburgh county.

[APPROVED JANUARY 16, 1850.]

SECTION 1. County board may allow Probate Judge \$3 per day—how allowed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the pay of the Probate Judge of Vanderburgh county shall be increased to three dollars per day; *Provided, however*, that the said increase of pay shall be left to the discretion of the board of county commissioners of said county, and shall be paid out of the county treasury.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CIX.

AN ACT to increase the fees of Jurors before Probate Courts.

[APPROVED JANUARY 17, 1850.]

SECTION

1. Jury fees in Probate Courts, how taxed, collected, and accounted for—jurors in, to receive the same compensation as in Circuit Court.

SECTION

2. Certain act repealed.
3. General repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act in each and every case in the Probate Courts of this State, which may be tried by a jury there shall be taxed up against the unsuccessful party in favor of the county in which the said Probate Court may be, the like jury fees as are now taxed in the Circuit Courts of this State, and the same shall be collected, paid over, and receipted for in like manner, and jurors, shall be entitled to the same pay, and be paid in the same manner as in the circuit courts of this State, and all rules and regulations of law relative to the taxation and collection of the same, which now are or may hereafter be in force in the Circuit Courts, shall apply to Probate Courts.

Sec. 2. The act entitled "An act in relation to the proceedings in the Probate Courts," approved January 13, 1845, shall be, and the same is hereby repealed.

Sec. 3. All laws or parts of laws contravening the provisions of this act, shall be, and the same is hereby repealed.

Sec. 4. This act shall be in force and take effect from and after its passage.



CHAPTER CX.

AN ACT fixing the salaries of the auditor and treasurer of Allen county, Indiana.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Compensation of auditor.
2. Auditor to receive fees, &c., for use of county.
3. Compensation of treasurer.
4. Treasurer to receive fees, &c. for use of county.
5. Auditor, when and how to report to county board the amount of fees, &c.

SECTION

6. Auditor's salary, by whom and when allowed, and how paid.
7. Treasurer, when and how to report to county board the amount of fees, &c.
8. Treasurer's salary, by whom and when allowed, and how paid.
9. Overplus of such fund to constitute a part of county revenue and paid into the treasury.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of August next, the auditor of the county of Allen, and his successors in office, shall receive the sum of eight hundred dollars for his services as such auditor, for each and every year, which sum shall be in full compensation for all the services which he may perform as such officer.

Sec. 2. It shall be the duty of the auditor of said county to continue to receive the fees and perquisites now provided for by law for the use of said county, which fees shall be credited by said auditor upon his salary.

Sec. 3. That from and after the first day of August next, the treasurer of the county of Allen, and his successors in office, shall receive the sum of seven hundred dollars for his services as such treasurer, for each and every year, which sum shall be in full compensation for all the services which he may perform as such officer.

Sec. 4. That the said treasurer shall receive the fees and perquisites now provided by law for the use of said county, which fees and perquisites shall be by the said treasurer credited upon his salary as provided in the third section of this act.

Sec. 5. It shall be the duty of the auditor of said county, upon the first Mondays of March and September of each year, commencing on the first Monday of March, 1850, to make to the board of commissioners, in such form as said board may direct, a return in writing, embracing all the fees and emoluments of said office, and all compensation for labor in any manner, which said auditor has received by virtue of his said office for the half year ending at that time, which said return shall in all cases be verified by the oath of said officer.

Sec. 6. It shall be the duty of said board of commissioners of the county of Allen, to make half yearly allowances to such auditor of such sum as will make his half yearly salary equal to four hundred dollars, after taking into the account the amounts which

may have been received by said auditor as fees and perquisites, which shall be paid out of the treasury of said county.

Sec. 7. It shall be the duty of the treasurer of said county, on the first Monday of March in each year, commencing on the first Monday of March, 1851, to make to the said board of commissioners, in such form as said board may direct, a return in writing embracing all the fees and emoluments of the said office, and all compensation for collecting the revenue or other tax, and from all other sources, which he has received by virtue of his said office, which statement shall at all times be verified by the oath of said officer.

Sec. 8. It shall be the duty of said board of commissioners to make an annual allowance to said treasurer, to be paid out of the treasury of said county, of such sum as will make his annual salary, including all the fees and perquisites which he may have received equal to the sum of seven hundred dollars, as provided in the third section of this act.

Sec. 9. The overplus of the fund arising from the fees and perquisites received by said auditor and treasurer, if any exist after the payment of the salaries in the first and third sections of this act specified, shall be and the same is hereby constituted a part of the county revenue of said county of Allen, subject to the same laws and regulations that now govern the collecting and disbursement of the revenue of said county, and said auditor and treasurer shall pay said overplus into the county treasury for the use of said county as aforesaid.

Sec. 10. This act to be in force from and after its passage, and shall be deemed a public act.

CHAPTER CXI.

AN ACT to reduce the fees and emoluments of the auditor and treasurer of Steuben county.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Compensation of county auditor.
2. Compensation of county treasurer.
3. Treasurer not required to attend in the several townships to receive taxes unless

SECTION

- required by county board—extra compensation when so required.
4. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the expiration of the existing term of office of the present incumbent, the auditor of the county of Steu-

ben shall receive the sum of five hundred dollars per annum, which said sum shall be full compensation for all the services performed by him as auditor.

Sec. 2. From and after the expiration of the existing term of office of the present incumbent, the treasurer of the county of Steuben shall receive the sum of three hundred and fifty dollars per annum, which said sum shall be full compensation for all services performed by him as treasurer.

Sec. 3. It shall not be necessary for the treasurer of Steuben county to attend in the several townships for the purpose of receiving taxes, as heretofore done, unless specially required so to do by the board of commissioners of Steuben county; and if so required, the said treasurer shall receive for such service, as extra compensation, the sum of two dollars for each day by him spent in attendance as aforesaid.

Sec. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall be in force from and after its publication.

CHAPTER CXII.

AN ACT providing for the removal of fences from canal lands.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Fences set on canal lands may be removed within six months after the time of establishing lines.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That every person who may have heretofore set his, her, or their fence or fences, on any land formerly owned by the State of Indiana, and now passed to the trustees of the Wabash and Erie Canal, may have the privilege at any time within six months after the lines have been established, to remove the fences so by him, her, or them erected as aforesaid, without subjecting himself, herself, or themselves to any action of trespass or other prosecution.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXIII.

AN ACT relative to the field notes, maps, records, and other papers, appertaining to land titles within the State of Indiana.

[APPROVED JANUARY 17, 1850.]

SECTION

1. Secretary of State to receive field notes, &c., deposited in his office.
2. Secretary of State to certify copies.

SECTION

3. County boards applying for copies, how made and certified, legal and competent evidence, by whom kept.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the field notes, maps, records, and other papers, appertaining to land titles within the State of Indiana, required by acts of the Congress of the United States to be received by some officer of said State, to be authorized to receive the same, shall be received by the Secretary of State, and by him deposited in the office of the Secretary of State, and be there safely kept and preserved.

Sec. 2. It shall be the duty of the Secretary of State to prepare or cause to be prepared such copies of the aforesaid field notes, maps, records, and other papers, appertaining to land titles within the State of Indiana, or parts of the same, as may be applied for, to be used in evidence in courts of justice, and it shall be the duty of the Secretary of State to examine said copies and affix thereto his certificate and the seal of the State.

Sec. 3. Should the board doing county business in any county of this State, apply for copies of the aforesaid field notes, maps, records and other papers appertaining to the title of land within their respective counties, it shall be the duty of the Secretary of State to prepare or cause to be prepared and furnished any county as aforesaid, and it shall be the duty of the Secretary of State to examine and affix his certificate, and the seal of State to the same, as provided in the section immediately foregoing, and said copies may be used in evidence, and are hereby made legal and competent as such in the courts of justice, in such counties as may apply for and receive the same as aforesaid, and shall be received and kept by the person performing the duty of county auditor in said counties.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CXIV.

AN ACT to prohibit the stretching of seines across Laughery Creek and other streams in the State of Indiana.

[APPROVED, JANUARY 2, 1850.]

SECTION

1. Stretching of seines, &c., in Laughery creek and other streams prohibited.
2. Penalty.

SECTION

3. Justices of the peace to have concurrent jurisdiction with Circuit Court—Ripley county exempted from the provisions of this act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any person or persons to stretch a sein or seines or other fishing apparatus across Laughery creek in said State, or any of the streams or water courses in the counties of Harrison and Clark in the State aforesaid, so as to prevent fish from passing up said creek or streams.

Sec. 2. Any person violating the provisions of this act shall be fined in any sum not exceeding one hundred dollars, upon presentment or indictment in the circuit court of the county in which such stream or water course is situate, and in case any such stream or water course be the dividing line between two counties, then in the circuit court of the counties adjoining such stream or water course.

Sec. 3. That any justice of the peace of said counties shall have concurrent jurisdiction with the circuit court of said counties, in the punishment of offences committed against the provisions of this act. The county of Ripley shall be exempted from the provisions of this act.

Sec. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CXV.

AN ACT to amend the act to establish a free turnpike road in Adams county, approved January 13, 1845.

[APPROVED, JANUARY 2, 1850.]

SECTION

1. Office of free turnpike supervisor abolished.
2. County auditors and township trustees to

SECTION

- be governed by the laws now in force in management of free turnpike roads.
3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above recited acts and all acts supplementary thereto are hereby so amended as to abolish the office of free turnpike supervisors.

Sec. 2. The county auditors and township trustees shall in all respects be governed by the laws now in force governing them in regard to other roads in the government of said free turnpike roads.

Sec. 3. All laws and parts of laws contravening or conflicting with this act are hereby repealed.

Sec. 4. This act to be in force from and after its passage and the filing of a copy thereof in the auditor's office of Adams and Jay counties, and it is hereby made the duty of the Secretary of State to forthwith after its passage to forward a copy of this act to the auditor of Adams and Jay counties.

CHAPTER CXVI.

AN ACT to authorize the Governor, Auditor, and Treasurer of State to borrow money to pay the interest due on the Funded Debt on the first day of January and first day of July, 1850.

[APPROVED DECEMBER 19, 1849.]

SECTION

1. Governor, Auditor, and Treasurer of State authorized to borrow \$100,000 to pay interest due January 1, 1850.
2. Such loan, how repaid and when.

SECTION

3. Governor, &c., authorized to borrow \$100,000 to pay interest due July 1, 1850.
4. Said loan, how repaid and when.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, Auditor, and Treasurer of State be authorized to borrow from the Branches of the State Bank of Indiana,

any sum not exceeding one hundred thousand dollars, which sum so borrowed shall be appropriated to the payment of the instalment of interest due on the funded debt of January 1st, 1850.

Sec. 2. *Be it further enacted*, That said money shall be repaid to such banks as may lend the same out of any money in the treasury at any time unappropriated, and the whole shall be refunded by the first day of April, 1850.

Sec. 3. *Be it further enacted*, That the Governor, Auditor, and Treasurer of State be authorized to borrow from the branches of the State Bank of Indiana, a further sum not exceeding one hundred thousand dollars, which sum so borrowed shall be appropriated to the payment of the instalment of interest due on the funded debt of the State, of July 1st, 1850.

Sec. 4. *Be it further enacted*, That said money so borrowed under the provisions of the preceding section shall be repaid to said branches as may lend the same, out of any money in the treasury not otherwise appropriated, and that the whole shall be repaid by the 1st of April, 1851.

Sec. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXVII.

AN ACT to restrict the Grand Jury in Franklin County to a limited time in their sessions.

[APPROVED JANUARY 15, 1850.]

SECTION

1. Grand Jury in Franklin county not to sit more than four days.
2. Time for making complaint to grand jury.
3. The prosecuting attorney to inform the court of cases that amount to death or imprisonment in State's prison pending before grand jury.

SECTION

4. When the court may continue grand jury.
5. When the court may render judgment for costs against prosecuting witnesses.
6. When justices of the peace may render judgment for costs against prosecuting witnesses.
7. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That at each session of the circuit court the grand jury in Franklin county shall not remain in session more than four days except in cases herein provided.

Sec. 2. That no grand jury in the county of Franklin shall pass upon any complaint or information of which it has cognizance by law and which shall be made to it, (without the court in its discretion shall order to the contrary, on the application of such grand jury,) unless such complaint or information shall be made within the

first two days of its session: *Provided, also*, That this restriction shall not apply to the case of prisoners in jail who may otherwise be detained in jail until the next session of a grand jury.

Sec. 3. It shall be the duty of the prosecuting attorney to inform the court whether there are any cases before the said grand jury of such a nature as would in criminal cases amount to death or imprisonment in the State prison.

Sec. 4. That when the court are made sensible that such cases are before the grand jury, the court may continue the jury from day to day to determine such cases.

Sec. 5. That if any person shall voluntarily appear before the grand jury of said county and procure an indictment against any person who shall upon his trial be acquitted, the court trying said cause or before whom said cause was tried may in their discretion render judgment against said prosecuting witness for the costs which have accrued in said cause.

Sec. 6. That if any person shall voluntarily appear before a justice of the peace in said county, and enter a complaint against any person, charging him with a violation of the criminal law of this State, and procure him to be arrested and tried, if acquitted the justice of the peace in his discretion may enter up a judgment against said prosecuting witness for the costs which may have accrued in said cause.

Sec. 7. That all laws and parts of laws giving the right to grand jurors of Franklin county to continue in session longer than is provided for in this act are hereby repealed.

Sec. 8. This act to be in force from and after its passage.

CHAPTER CXVIII.

AN ACT to give the Probate Judges of the counties of Gibson, Warren, and Jennings, jurisdiction of writs of Habeas Corpus.

[APPROVED JANUARY 18, 1850.]

Section 1. Probate Judges in certain counties, may issue and try writs of habeas corpus, in like manner as Judges of Supreme and Circuit Courts.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate judges of the counties of Gibson, Warren, and Jennings, be and he is hereby authorized to grant and try writs of habeas corpus, and shall have and exercise the same powers and jurisdiction in granting and trying said writs of habeas corpus as is granted to the judges of the supreme and circuit courts.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXIX.

AN ACT for the more speedy completion of the Indiana Hospital for the Insane.

[APPROVED JANUARY 11, 1850]

SECTION 1. \$13,000 above the usual revenue, appropriated for buildings and furnishing the same—in case of deficiency in the treasury, the Treasurer of State, or the commissioners may borrow a sufficient amount to meet the warrants—loans how refunded.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners for the Indiana Hospital for the Insane, be and they are hereby authorized during the year 1850, to draw upon the Treasurer of State for the sum of thirteen thousand dollars over and above the usual revenue for said Hospital purposes for that year to be expended in the erection and furnishing of a separate lodge or apartment for the turbulent and boisterous patients received at said Hospital, and in the completion and furnishing of said Hospital at as early a day as practicable; and the said Treasurer is hereby authorized to pay the same, upon the usual warrants or orders of the said commissioners, out of any moneys in the treasury not otherwise appropriated; and should there not be a sufficiency of money in the treasury unappropriated, to redeem such warrants or orders, the said treasurer is hereby authorized to borrow the said sum of thirteen thousand dollars, or so much thereof as may be necessary, to redeem the same, to be refunded out of the next succeeding year's revenue of said Hospital; or the said commissioners may borrow the said sum for the purposes aforesaid, to be repaid as aforesaid. The interest to be paid on the sum of money hereby authorized to be borrowed, shall not exceed six per centum per annum.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXX.

AN ACT to amend an act entitled "An act for the government of the Indiana Hospital for the Insane," approved February 15th, 1848.

[APPROVED, JANUARY 19, 1850.]

SECTION

1. Charges and costs paid from county treasuries for patients, to be a lien on the real and personal estate of such persons.

SECTION

2. County board may or may not enforce said lien—when county board to order collection of such moneys.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act for the government of the Indiana Hospital for the Insane," approved February 15th, 1848, be and the same is hereby so amended that when any moneys have been paid, or may hereafter be paid out of the county treasury of any county in this State according to the provisions of sections No. 19, 22, and 34, of said act, the same shall be and constitute a lien upon all the real and personal property of the person for whose use and benefit the same has been or may be paid out, whether that property is held in the name of said person or any other person for his or her use, or in trust for him or her or their heirs.

Sec. 2. That said lien may or may not be enforced by the board of county commissioners of each county as in their discretion may be deemed right and just under the circumstances of each particular case: *Provided*, In all cases that the said board of commissioners within twelve months from the date of the warrant drawn on the county treasury for the payment of such moneys shall order and direct the same to be collected.

This act to be in force from and after its passage and publication.

CHAPTER CXXI.

AN ACT regulating the jurisdiction of justices of the peace in the county of Henry.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Where persons shall answer summons, &c., issued by a justice of the peace, in Henry county.

SECTION

2. Repealing clause.

3. Secretary of State to forward certified copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That every person shall be held to answer a summons, or other process issued by a justice of the peace in civil cases, in the township in which such person shall actually reside, where the debt or liability accrued or was contracted, or wherever the defendant may be found within the county.

Sec. 2. All laws conflicting with the provisions of this act are hereby repealed so far as the same relates to the county of Henry.

Sec. 3. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy to the clerk of said county.

CHAPTER CXXII.

AN ACT to define the jurisdiction of justices of the peace in the county of Vermillion.

[APPROVED DECEMBER 20, 1849.]

SECTION 1. An act to define jurisdiction of justices of peace extended to Vermillion county

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "an act to define the jurisdiction of justices of the peace in the several counties therein named," approved January 16, 1849, be and the same are hereby extended to the county of Vermillion.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXXIII.

AN ACT supplemental and declaratory of the meaning of an act entitled an act to define the jurisdiction of justices of the peace within the county of Vermillion.

[APPROVED JANUARY 19, 1850.]

SECTION 1. A certain act not to be construed as a dismissal of certain indictments in the Vermillion Circuit Court.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act to extend the jurisdiction of justices of the peace in the county of Vermillion," passed at the present session of the General Assembly, shall not be construed in any way into a dismissal of indictments which may now be pending in the circuit court of said county, found under the law as it existed prior to the passage of the act above referred to; but said indictments shall in all respects be tried and determined as though said act had not been passed.

This act shall be in force from and after its passage, and shall be construed with and taken as supplemental to and a part of the act above referred to.

CHAPTER CXXIV.

AN ACT to amend an act entitled "An act to define the jurisdiction of justices of the peace in the several counties therein named," approved January 16, 1849.

[APPROVED JANUARY 21, 1850.]

SECTION

1. A certain act extended to certain sections, and to the road laws.

SECTION

2. The 4th section of said act repealed—this act applicable to Fountain county only.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of said act be and the same are hereby extended to sections 93, 95, 99, 102, and 103, and also to all offences against the road laws in said county.

Sec. 2. That so much of the 4th section of said act as makes it the duty of the acting justice of the peace of the proper townships, to summon witnesses to appear before him and testify con-

cerning any such offence before the issuing a warrant for the arrest of the offender, be and the same is hereby repealed, and the remainder of said act, and the provisions of an act to which the above recited act is an amendment, shall give said justices in the trial of all such offences, except so far as the same comes in conflict with the provisions of this act and the act to which this is an amendment: *Provided, however*, This act shall take effect in and be applied to the county of Fountain only.

Sec. 3. This act to take effect and be in force from and after its passage, and all acts or parts of acts conflicting with the provisions of this act, be, and they are hereby repealed so far as Fountain county is concerned.

CHAPTER CXXV.

AN ACT authorizing the election of an additional justice of the peace for North Madison.

[APPROVED JANUARY 21, 1850.]

SECTION 1. A justice of the peace to be elected to reside in North Madison.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be elected by the qualified voters of Madison township, in the county of Jefferson, at the next April election, an additional justice of the peace for said township, who shall be commissioned as other justices now are, and who shall hold and keep an office in North Madison.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXVI.

AN ACT amendatory to an act entitled "*An act to define the jurisdiction of justices of the peace in the several counties therein named.*"

[APPROVED JANUARY 16, 1850.]

SECTION 1. The circuit court of Franklin and Randolph counties to have concurrent jurisdiction in certain cases.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled an act to define the jurisdiction of justices of the peace in the several counties therein named, approved January 16, 1849, be, and the same is hereby so amended that the Franklin and Randolph circuit courts shall have concurrent jurisdiction in all cases which the aforementioned act gave to the justices in said counties exclusive original jurisdiction.

Sec. 2. This act to take effect from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerks of the Franklin and Randolph circuit courts, so soon as it shall have been filed in his office.

CHAPTER CXXVII.

AN ACT to authorize Justices of the Peace in Posey Township, Switzerland county, to perform the duties of Coroner in certain cases.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Justices of the peace, in Posey county, may act as coroner—their fees, and how governed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever hereafter the body of any person may be found within the limits of Posey township, Switzerland county, it may and shall be lawful for the justice of the peace residing nearest the place where the body may be found to act as coroner: *Provided, however*, That such justice shall receive the same fees, and be governed in all respects by the laws now in force regulating the duties of coroner in holding inquests.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXVIII.

AN ACT to repeal an act relating to the jurisdiction of Justices of the Peace, so far as relates to Gibson county.

[APPROVED JANUARY 21, 1850.]

SECTION
1. Repealing clause.

SECTION
2. Certain acts revived and declared to be in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act to define the jurisdiction of the justices of the peace in the several counties therein named, approved January 16, 1849, so far as relates to Gibson county be, and the same is hereby repealed.

Sec. 2. All acts and parts of acts repealed by the above recited act are hereby revived and declared to be in full force in the county of Gibson.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXXIX.

AN ACT to repeal a certain act therein named, so far as it relates to Randolph county, and to revive certain other acts.

[APPROVED JANUARY 14, 1850.]

SECTION 1. A certain act repealed as to Randolph county—Certain acts revived.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act, entitled "An act to define the jurisdiction of justices of the peace in the several counties therein named," approved January 16, A. D., 1849, be, and the same is hereby repealed, so far as it relates to the county of Randolph, and that the laws superseded and repealed by said act be, and the same are hereby revived in the said county of Randolph.

Sec. 2. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

CHAPTER CXXX.

AN ACT authorizing the election of an additional Justice of the Peace in Highland Township, Vermillion county.

[APPROVED JANUARY 14, 1849.]

SECTION 1. A justice of the peace to be elected to reside in the town of Perrysville.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the clerk of the circuit court of Vermillion county, as soon as practicable after taking effect of this act, to order an election of one additional justice of the peace in Highland township, in Vermillion county, who shall reside in the town of Perrysville, and a removal from such bounds shall be a vacation of office.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXI.

AN ACT to amend the 336th Section of Chapter 47 of the Revised Code of 1843.

[APPROVED, JANUARY 21, 1850.]

SECTION 1. Where replevin bail before a justice of the peace resides out of the county, the plaintiff may have transcript of judgment, &c.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases heretofore accrued, or hereafter to accrue, when any bail for the stay of execution before a justice of the peace, shall reside out of the county where he shall so enter himself bail for the stay of execution, or when said bail shall become located in another county by the change of the county boundaries, or any other manner whatever, after he shall have entered himself bail as aforesaid, and a return be made on an execution against the principal, of no goods and chattels sufficient to make the whole or any part of the judgment, the judgment creditor, his agent, or attorney, shall be entitled to a transcript of such judgment, recognizance, or entry of bail for the stay of execution, and the judgment and proceedings in the case.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXXXII.

AN ACT to extend an act, entitled "An act to define the jurisdiction of Justices of the Peace in the several counties therein named," approved January 16, 1849, to Wayne county.

[APPROVED JANUARY 19, 1850.]

SECTION

1. A certain act extended to Wayne county — Indictments and appeals now pending in the Circuit Court exempted from this act.

SECTION

2. Defendants instead of being tried before the justice may give bond for appearance at Circuit Court.
3. Penalty for neglect of duty by justice of the peace.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the act, entitled "An act to define the jurisdiction of justices of the peace in the several counties therein named," approved January 16, 1849, be, and the same are hereby extended to the county of Wayne: *Provided*, That all cases in said act mentioned, now pending in the Wayne circuit court on presentment or indictment, and all such appealed or recognized thereto, are hereby exempted from the provisions of said act.

Sec. 2. The defendant, or defendants, in any case in said act mentioned, instead of being tried before a justice of the peace as therein provided, may give bond, or bonds, with sufficient surety, to be approved by the justice of the peace, for his or their appearance at the next circuit court to answer such charge and abide the judgment of the court.

Sec. 3. Every justice of the peace in said county of Wayne neglecting or refusing to perform any of the duties required of him in the above named act, shall, for each offence, on presentment or indictment, be fined in any sum not less than five nor more than fifty dollars.

Sec. 4. This act shall be a public act, and shall take effect and be in force from and after its passage.

CHAPTER CXXXIII.

AN ACT relative to the jurisdiction of Justices of the peace, in certain criminal cases in the county of Tippecanoe.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Certain acts repealed as to Tippecanoe county.

SECTION

2. Certain act revived and declared in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act, entitled "An act to define the jurisdiction of justices of the peace in the several counties therein named," approved, January 16th, 1849, and so much of an act entitled, "An act to extend the jurisdiction of justices of the peace in certain criminal cases," approved, February, 16, 1848, as relates to the county of Tippecanoe, be and the same are hereby repealed.

Sec. 2. *Be it further enacted*, That the several laws in force in said county of Tippecanoe, relative to the crimes and offences specified and referred to in said acts, in the first section of this act named, at the times of the passage of said acts of 1848 and 1849 respectively, be and the same are hereby revived and declared to be in full force.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CXXXIV.

AN ACT to amend an act entitled "An act to define the jurisdiction of Justices of the Peace in the several counties therein named," approved January 16, 1849, so far as the county of Putnam is concerned.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Certain act amended.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above recited act shall be and the same is hereby so far altered and amended as to make it the duty of the justices of the peace of said county of Putnam, to execute the duties enjoined upon the nearest justice without regard to location.

Sec. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed, so far as the same relates to Putnam county. This act to be in force from and after its passage.

CHAPTER CXXXV.

AN ACT to repeal a certain section of an act therein named.

[APPROVED JANUARY 21, 1850.]

SECTION

1. The 6th section of a certain act repealed as to Marion county.

SECTION

2. The 18th section, chapter 55, Revised Statutes 1843, revived and in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the 6th section of an act entitled, "An act to extend the jurisdiction of justices of the peace in criminal cases," approved, February 16th, 1848, be, and the same is hereby repealed, so far as it applies to the county of Marion.

Sec. 2. That the 18th section of chapter 55, of the Revised Statutes of 1843, be and the same is hereby revived and declare to be in force in said county of Marion.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CXXXVI.

AN ACT to amend an act extending the jurisdiction of Justices of the Peace in certain criminal cases, approved, February 16, 1848, and also to limit the sessions of the Grand Jury in Fulton county.

[APPROVED JANUARY 17, 1850.]

SECTION

1. A certain act extended to Fulton county.
2. Sections 2, 3, and 4, of a certain act to be in force in Fulton county.

SECTION

3. Certain duties to be performed by district prosecutor.
4. Grand Jury in Fulton county, to consist of 13—length of session.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the ninth section of the above recited act, be and the same are hereby extended to the county of Fulton.

Sec. 2. The provisions of sections 2, 3, and 4, of an act entitled, "An act to define the jurisdiction of justices of the peace, in the several counties therein named," approved, January 16, 1849, are hereby made a part of the above act and shall be in force notwithstanding anything to the contrary in the above recited act.

Sec. 3. The provisions of section 7, of the above first recited act, so far as it refers to prosecuting attorneys, shall become a part of the duties of the district prosecutor for said county.

Sec. 4. The provisions of an act entitled, "An act to reduce the expenses of the circuit courts in the county of Greene and Brown, and for other purposes," approved, January 16, 1849, are hereby extended to the county of Fulton.

Sec. 5. This act to be in force from and after its passage.

CHAPTER CXXXVII.

AN ACT defining the jurisdiction of Justices of the Peace in Marion and Boone, and Perry counties, and amendatory of an act entitled "An act to define the jurisdiction of Justices of the Peace, in the several counties therein named," approved January 16, 1849.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Jurisdiction of justices of the peace to be co-extensive with the county in criminal cases.
2. Fees of prosecuting attorney before justice of the peace.
3. Prosecuting attorney, when to file complaint before a justice of the peace—duties of the justice of the peace, in such cases.

SECTION

4. This act to extend to the counties of Marion, Boone, and Perry only—the act to which this is an amendment, subject to the provisions of this act, extended to Boone county—this act not applicable to cases pending in circuit courts, &c., of Boone and Perry counties.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That under the fourth section of an act entitled "An act to define the jurisdiction of justices of the peace, in the several counties therein named," approved January 16, 1849, the jurisdiction of each justice of the peace in criminal cases therein specified, shall be co-extensive with his respective county.

Sec. 2. That in all cases of conviction by a justice of the peace, under the provisions of said act, if the prosecuting attorney shall have prosecuted such case or procured the same to be done, there shall be taxed a fee of two dollars and fifty cents, for the use of the prosecuting attorney of the county.

Sec. 3. That when the prosecuting attorney shall have reason to believe by complaint made to him or otherwise, that any offence has been committed within the county, it shall be his duty to file an information in writing, of the offence with a justice of the peace of the county, whereupon, the justice shall issue the proper process to secure the attendance of witnesses, and shall have power to enforce the attendance and testimony of witnesses in the matter; and if it shall appear that such offence has been committed, such justice shall take the affidavit of one or more of said witnesses, and forthwith issue his warrant thereon, for the immediate arrest of the offender or offenders, and to summon on his discretion, to recognize the witnesses to appear and testify at the time and place of trial, and upon such trial or examination, the justice trying the same, shall proceed to pronounce final judgment against, or acquit, or recognize the defendant or defendants, according to the evidence and law in the case.

Sec. 4. This act shall extend to the counties of Marion, Boone, and Perry, only; and the act to which this is an amendment, shall and hereby is extended to the counties of Boone and Perry, subject to the provisions, restrictions, and modifications of this act; *Provided*, That nothing in this act, or the act to which this is an amendment, shall be so construed as to effect, or be applicable to any indictment, suit, plea, or plaint, begun or pending in the Boone or Perry circuit court, or any other court of said counties, at the time of the passage of this act but the same shall be prosecuted to final judgment, in the same manner, and subject to the same rules, laws, and regulations in all respects, as though this act had never been passed.

Sec. 5. This act shall take effect and be in force from and after its passage.

CHAPTER CXXXVIII

AN ACT to extend the provisions of an act therein named to the counties of Huntington and Whitley.

[APPROVED JANUARY 2, 1850.]

SECTION

1. A certain act extended to Huntington and Whitley counties.

SECTION

2. Said act not to apply to causes now pending in circuit courts.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "An act to define the jurisdiction of justices of the peace in the several counties therein

named," approved January 16, 1849, be and the same are hereby extended to the counties of Huntington and Whitley.

Sec. 2. The provisions of said act shall not apply to causes and indictments now pending in the circuit courts of said counties of Huntington and Whitley.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXXXIX.

AN ACT repealing an act relating to the jurisdiction of Justices of the peace, so far as relates to Montgomery county.

[APPROVED DECEMBER 22, 1849.]

SECTION 1. A certain act repealed as to Montgomery county.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled an act to define the jurisdiction of the justices of the peace, approved January 16, 1849, so far as relates to Montgomery county is hereby repealed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXL.

AN ACT to authorize Justices of the Peace, in certain cases, to perform the duties of Coroner.

[APPROVED JANUARY 21, 1850.]

SECTION 1. In an emergency the nearest justice of the peace may hold inquest—his fees and how governed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in cases of great emergency hereafter, when the dead body of any person may be found within the limits of this State, and when the Coroner cannot be procured in a reasonable time, that it may be lawful for the justices of the peace residing

nearest the place where the body may be found to act as coroner; *Provided, however,* That such justice of the peace shall receive the same fees and be governed in all respects, by the laws now in force regulating the duties of coroners in holding inquests.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLI.

AN ACT to attach certain territory to the county of Laporte.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Certain territory attached to Laporte county.
2. All officers to serve out terms, and suits, &c., commenced in the courts of St. Joseph county, to be prosecuted to final judgment, &c., as though no change had been made.

SECTION

3. The county board of Laporte county, to attach the same to any township in their county.
4. When in force—Secretary of State to furnish copy of this act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the territory which now belongs to St. Joseph county, described as follows: beginning at the present county line, at the north-west corner of section twenty-two, township thirty seven north, of range one west, thence with the north line of said section, and that of section twenty-three, to the north-east corner of said section twenty-three, thence south with the section line, until it shall strike the Great Kankakee river, thence with said river to the present county line, may be attached to the county of Laporte, upon the conditions following.

Sec. 2. That all officers residing within said territory, shall serve out their regular term of office as though no change had been made, and that all suits, actions, and other proceedings, either in law or equity, commenced before the taking effect of this act in any of the courts of the said county of St. Joseph, shall be proceeded unto final judgment and execution, as though no change in boundary had been made.

Sec. 3. That the board doing county business in and for said county of Laporte, be, and they are hereby authorized, at their first or any subsequent meeting, after the taking effect of this act, to attach the said territory to any of the townships in the said county of Laporte.

Sec. 4. This act shall take effect and be in force on and after the 4th day of July, 1850, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the Clerks of the Circuit Courts of the aforesaid counties of St. Joseph and Laporte.

CHAPTER CXLII.

AN ACT for the distribution of the local laws, statutes, public documents, and reports to the city of Jeffersonville.

[APPROVED JANUARY 18, 1850.]

SECTION

1. Secretary of State to send a copy of General and Local Laws, public documents, and reports, each to the clerk of the council of Jeffersonville.

SECTION

2. To send Laws and Documents of preceeding sessions, to said clerk.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the Secretary of State, in the annual distribution of the local laws, statutes, public documents, and reports of the State of Indiana, as required by the Revised Statutes of 1843, to send to the clerk of the council of the city of Jeffersonville, one copy each, in addition to the number now required to be sent to the county of Clark.

Sec. 2. It shall be the duty of the Secretary of State to send in the same manner one copy each of the Local Laws, Statutes, Public Documents, and reports, of each session of the General Assembly, from 1844 to the present session, to the aforesaid city.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXLIII.

AN ACT *authorizing an additional number of copies of the Revised Statutes of 1843, to be distributed to the counties of Miami and Adams.*

[APPROVED JANUARY 14, 1850.]

SECTION 1. Additional copies of the Revised Statutes to be sent to Miami and Adams counties, if there be a surplus on hand.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the Secretary of State be, and he is hereby authorized and required, to send twenty additional copies of the Revised Statutes of 1843, to the said county of Miami, and twelve additional copies to said county of Adams, with the laws and journals of the present General Assembly, to be deposited with the auditors of said counties: Provided, That there is a surplus on hand.*

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLIV.

AN ACT *in relation to printing additional copies of the General and Special laws of this State.*

[APPROVED JANUARY 21, 1850.]

| | |
|--|---------------------|
| SECTION | SECTION |
| 1. State Printer to print 500 of local, and 1000 copies of General Laws, additional. | 2. How distributed. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be, and is hereby made the duty of the State Printer, to print in addition to the present number printed, five hundred copies of the Special or Local, and one thousand copies of the General Laws, of the Legislature.*

Sec. 2. That the Secretary of State is hereby required to distribute said additional copies as he may deem proper and expedient, as provided in sections 72, 73, and 74, in chapter 6, of article 6, of the Revised Statutes of 1843.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXLV.

AN ACT *to change the time of convening the Legislature in 1850.*

[APPROVED JANUARY 19, 1850.]

| | |
|--|----------------------|
| SECTION | SECTION |
| 1. To assemble for the year 1850 on last Monday of December. | 2. Repealing clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the Legislature for the year one thousand eight hundred and fifty shall assemble at the usual place of convening on the last Monday in December in said year.*

Sec. 2. All laws and parts of law conflicting with the provisions of this act, be and are hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXVI.

AN ACT *authorizing the transfer of the liens of mechanics and others on buildings.*

[APPROVED JANUARY 19, 1850.]

| | |
|---|---------------------------------------|
| SECTION | SECTION |
| 1. Liens of mechanics &c. may be transferred. | 2. Manner of transferring such liens. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That carpenters, joiners, brick and stone masons, plasterers, turners, painters, brick makers, lumber merchants, and all others performing labor or furnishing materials for the construction or repair of any building, who shall procure a lien separately or jointly upon the building or buildings which they may have constructed or repaired, or for which they may have furnished materials of any description by virtue of the provisions of article one, chapter, forty-two, of the Revised Statutes of 1843, are hereby authorized to transfer and assign such lien, or any part thereof, upon such terms as may be agreed upon between the parties.*

Sec. 2. Such transfer and assignment shall be in writing, entered upon the margin of the record, in the proper recorder's office, of the notice of intention to hold such lien, or elsewhere upon the

records of such office, with the proper notes and references to the page containing the same placed in the margin of the records of such notice; which entry shall be signed by the person or persons so transferring the same, and shall be attested by the recorder or his deputy; and a similar transfer and assignment shall also be entered upon the original copy of the notice of intention filed in such office, if the same shall still be upon the files in such office, or in possession of the parties making the transfer, and after such assignment thereon, the same shall be left upon the files of such office.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CXLVII.

AN ACT authorizing the State Librarian to send surplus copies of public documents to Liberia.

[APPROVED JANUARY 21, 1850.]

SECTION 1. State Librarian to furnish a copy of surplus documents for Liberia.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the State Librarian be and he is hereby authorized to hand over to the agent of the American Colonization Society, a single copy of any surplus public documents now in the library, not required by the present and future wants of the State, for the purpose of being sent to Liberia.*

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXLVIII.

AN ACT to amend section eighty-two, chapter six, of the Revised Statutes of 1843, extending the use of the State Library to Professors and Teachers.

[APPROVED JANUARY 3, 1850.]

SECTION 1. Use of State Library extended to Professors and Teachers while at the seat of government.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the use of the State Library be extended to the professors and teachers in all the institutions of learning in the State, while any of them shall be at the seat of government.*

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLIX.

AN ACT to amend an act entitled "an act more effectually to prevent the retailing of spirituous liquors in certain counties therein named," approved January 16, 1849.

[APPROVED, JANUARY 19, 1850.]

SECTION
1. Penalty for selling without license in certain counties.
2. Repealing clause.

SECTION
3. Said act as amended by this act extended to Morgan county.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That should any person or persons not holding a lawful license or permit so to sell by retail any spirituous or intoxicating liquors, contrary to the provisions of the act to which this is an amendment, and the true intent and meaning thereof, such person or persons shall be subject to indictment in the circuit court of the proper county, and on conviction, may be fined in any sum not less than two nor more than twenty dollars.*

Sec. 2. Section four of the act to which this is an amendment be and the same is hereby repealed.

Sec. 3. The provisions of the act to which this is amendatory, as amended by this act, are hereby extended to the county of Morgan.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CL.

AN ACT to amend an act entitled "an act to authorize the people of the several counties to prohibit the retailing of spirituous liquors," approved January 23, 1848, so far as relates to the counties of Parke, Monroe, and Brown.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Voters may endorse "license" or "no license" on their tickets—tickets not counted unless so endorsed.
2. If there be a majority so endorsed, the officers to certify the same to county au-

SECTION

- ditor—auditor to lay the same before the county board.
3. No license or permit to sell to extend beyond next April election.
4. County boards, how governed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the vote taken in the counties of Parke, Monroe, and Brown, in conformity with the second section of the act above mentioned, each voter may endorse on his ticket the words "license" or "no license," and those votes cast which are not endorsed with the words "license" or "no license," shall not be counted, but only a majority of votes cast on the subject of license or no license.*

Sec. 2. If a majority of all the votes so endorsed, given at any such election, in any township in the counties of Parke, Monroe, or Brown, shall be endorsed with the words "no license," it shall be the duty of the officers of such election forthwith to certify that fact to the proper county auditor in writing under their hands, whose duty it shall be to lay the same before the board doing county business in the said county at their next succeeding term.

Sec. 3. It shall not be lawful for any person, board doing county business, body corporate or politic, to grant a permit or license to any person to retail spirituous liquors in any township in said counties to extend beyond the next succeeding annual April election.

Sec. 4. The board doing county business in said counties shall be governed by the act to which this is an amendment in carrying out the obvious intent and meaning thereof, so far as the same does not conflict with this act.

Sec. 5. This act to be in force from and after its passage.

CHAPTER CL.

AN ACT to repeal an act entitled "an act more effectually to prevent the retailing of spirituous liquors in certain counties therein named."

[APPROVED JANUARY 21, 1850.]

SECTION

1. Repealing clause.

SECTION

2. A certain act revived.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That so much of the above recited act as relates to the county of Huntington, be, and the same is, hereby repealed.*

Sec. 2. And the act which was repealed by the above recited act be, and the same is hereby revived, so far as the same relates to the county of Huntington.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLII.

AN ACT conferring the power upon the voters of Wayne township, Henry county, to determine the question of "license," or "no license."

[APPROVED JANUARY 21, 1850.]

SECTION 1. Repealing clause—voters in determining license question, how governed.

WHEREAS, David Mason, Joseph Woods, Henry Bigler, and divers other citizens of said Wayne township, in the county of Henry, by their memorial to the General Assembly, represent that at the April election for the year 1849, that a majority of the voters of said township voted "license:" AND WHEREAS, There is now in force a law prohibiting the sale of ardent spirits, in any quantity whatever, in said township, and the memorialists aforesaid have in their memorial aforesaid, respectfully prayed the General Assembly to repeal so much of said law aforesaid as prohibits the sale of ardent spirits in any quantity whatever, in said township, Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws and parts of laws now in force, prohibiting the sale of ardent liquors in any quantity whatever, in Wayne township, Henry county, be, and the same are hereby repealed, so far as the same applies to said township, and the voters of said township shall, in determining the question of license, in all things be governed by the laws in force prior to the passage of the law prohibiting the sale of ardent liquors in said township.

Sec. 2. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

CHAPTER CLIII.

AN ACT to extend an act entitled "an act more effectually to prevent the retailing of spirituous liquors in certain counties therein named," approved January 16, 1849.

[APPROVED JANUARY 21, 1850]

SECTION 1. The provisions of a certain act extended to Morgan county.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "an act more effectually to prevent the retailing of spirituous liquors in certain counties therein named," approved January 16, 1849, be, and the same are, hereby extended to the county of Morgan.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CLIV.

AN ACT to prohibit the sale of intoxicating liquors in the town of Plainfield and vicinity, in Hendricks county.

[APPROVED JANUARY 21, 1850.]

SECTION
1. Sale, barter, or exchange of, prohibited.

SECTION
2. Penalty for violation of the provisions of this act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of February, 1850, it shall not be lawful for any person or persons, to sell, barter, or exchange to any person or persons, within the town of Plainfield, in the county of Hendricks, nor within two miles of the post office, situate and established in said town of Plainfield, in any quantity whatever, any spirituous or intoxicating liquors whatever, except for medical, scientific, or sacramental purposes: *Provided however*, That cider and beer shall not be understood as coming within the provisions of this act.

Sec. 2. Any person or persons who shall violate the provisions of this act, upon conviction thereof, shall be subject to all the penalties now by law imposed upon retailers of spirituous liquors without license.

Sec. 3. This act shall take effect and be in force from and after the first day of February, 1850.

CHAPTER CLV.

AN ACT to prevent the sale of spirituous liquors in the township of Mound, in the county of Warren and State of Indiana, without procuring a license therefor.

[APPROVED JANUARY 17, 1850.]

SECTION
1. Persons selling to obtain license, and how.
2. Penalty for selling without license.
3. Justices of the peace to have concurrent jurisdiction with Circuit Court under this

SECTION
act—defendant shall have right to be tried by the justice or jury, or recognized to Circuit Court—shall have right of appeal

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That no person in the township of Mound, in the county of Warren and State of Indiana, shall be authorized to barter and

sell any spirituous liquors in any quantity whatever, without first procuring a license therefor, in the same manner as is now required by law for tavern keepers and grocers, to vend spirituous liquors by a less quantity than a quart.

Sec. 2. Every person not being licensed according to the first section of this act, to vend spirituous liquors, who shall barter and sell any spirituous liquors, in any quantity whatever, shall be fined in any sum not less than two dollars nor more than twenty dollars.

Sec. 3. That in all cases contemplated in this act, a justice of the peace shall have concurrent jurisdiction with the Circuit Court, and if a defendant shall be prosecuted before a justice of the peace, he shall have the right to be tried by the justice of the peace, demand a jury, or be recognized to the Circuit Court, at his election, and he shall also have the right to an appeal to the Circuit Court, as in other criminal cases.

Sec. 4. That this act shall be in force from and after its passage.

CHAPTER CLVI.

AN ACT to provide for the more effectually preventing the sale of intoxicating drinks in the town of Lewisville.

[APPROVED JANUARY 18, 1850.]

SECTION 1. The president and trustees may pass ordinances to prevent the sale of in Lewisville—penalties for violation of ordinances, not to exceed \$10.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the President and Trustees of the town of Lewisville are hereby authorized and empowered to pass and adopt such ordinances in their corporate capacity, as will more effectually prevent the sale and use of intoxicating drinks within said corporation; *Provided,* that said ordinances shall not impose penalties for violations thereof of more than ten dollars for each offence.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLVII.

AN ACT to amend an act entitled "*An act regulating the granting of license to retail spirituous liquors in the counties of Gibson and Dubois,*" approved February 16, 1848, so far as relates to Gibson county, and to extend the same to Pike county.

[APPROVED JANUARY 19, 1850.]

SECTION

1. County boards of Gibson and Pike counties, not to grant license unless the qualified voters of the township assent.
2. Assent of voters, how obtained.
3. Voters may endorse their tickets "license" or "no license."
4. The number of votes for and against li-

SECTION

- cense to be certified to the clerks of the circuit courts—how certified—clerks to lay the same before county boards—where county board prohibited, or permitted to grant license.
5. Penalty for retailing without license.
6. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful for the boards doing county business in said counties of Gibson and Pike to grant license to any person to retail spirituous liquors in any township in said county, unless the qualified electors shall give their assent to the granting of such license in said township.

Sec. 2. That for the purpose of expressing the sense of the legal voters aforesaid, relative to the granting of license for the retail of spirituous liquors in their respective townships, it shall be lawful for said voters at the annual elections held on the first Monday of August in each year to vote by ballot for or against license.

Sec. 3. That for the purpose of taking the votes upon the question aforesaid, each and every voter at said election may have written or printed on his ballot or ticket given at such election, if in favor of license being granted in the township in which he resides, the words "For License," and if said voter is opposed to license being granted as aforesaid, he may have written or printed on his ballot or ticket, the words "No License."

Sec. 4. It shall be the duty of the inspectors, judges, and clerks of elections in the several townships in said counties, in making out a certificate of said election to be returned to the respective clerks of the circuit courts of said counties, to state in said certificate the whole number of votes given "for license," and the whole number given against license, and it shall be the duty of said clerks to lay the same before the respective boards doing county business in said counties, at the next session of the board after said election, and if by the returns so transmitted and certified it shall appear that there were more votes given "against license" than "for license" in any township in said counties, the said boards shall be prohibited from granting licenses to any person for the purpose of retailing spirituous liquors in any township having so voted. But if in any township in said counties, there are more votes given

for license than there are against license, then the board may grant license to any and all persons to retail spirituous liquors in such township or townships who may desire the same under the provisions of the act to which this is an amendment.

Sec. 5. Any and all persons who may retail any intoxicating or spirituous liquors in said counties without having obtained a license so to do, shall be liable to presentment or indictment and fine according to the provisions of the laws now in force upon that subject.

Sec. 6. All laws and parts of laws conflicting with the provisions of this act be and they are hereby repealed.

Sec. 7. This act to take effect and be in force from and after its passage.

CHAPTER CLVIII.

AN ACT to prohibit the sale of spirituous liquors in Jackson and Monroe townships, in Madison county by a less quantity than thirty gallons.

[APPROVED, JANUARY, 21, 1850.]

SECTION

1. Unlawful to sell, barter, or give away in less quantity than thirty gallons.
2. Penalty for violation of this act—and how recovered.
3. When in force and how determined, &c.
4. Defendant may elect to be tried by Justice,

SECTION

- demand a jury, or be recognized—entitled to an appeal.
5. Repealing clause.
6. The 2d section of an act to prohibit sale of, in Adams and Fall creek townships repealed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any person to sell, barter, or give away any spirituous liquors in Jackson and Monroe townships in Madison county, by any less quantity than thirty gallons, except for sacramental, medicinal, mechanical, and scientific purposes.

Sec. 2. Any person who shall violate the provisions of this act, upon conviction thereof, before any justice of the peace of said townships, who is hereby invested with full and ample jurisdiction, to hear and determine the same, shall be fined in any sum not less than five nor more than twenty dollars.

Sec. 3. This act shall take effect, and be in force from and after the first Monday in April next; *Provided, however*, that it shall be lawful for the voters of Jackson and Monroe townships, at the next April election, to vote to repeal this act, by endorsing on their tickets the word "License," and if a majority of all the tickets voted in each of said townships shall have the word "license," endorsed

thereon as aforesaid, this act so far as it relates to either of said townships shall be thereby repealed, and shall have no force nor effect therein, and all license laws, and others relating to spirituous liquors in force in such township, so repealing this act, shall be and remain in full force and effect therein.

Sec. 4. The defendant shall be tried by the justice, demand a jury, or be recognized to the circuit court at his election, and he shall also be entitled to an appeal to the circuit court, as in other criminal cases.

Sec. 5. All acts coming within the purview of this act shall be repealed, so far as said townships of Jackson and Monroe are concerned.

Sec. 6. That the second section of an act entitled, "An act to prohibit the sale of spirituous liquors in Adams, and Fall creek townships in Madison county, by a less quantity than thirty gallons," approved, January 17, 1849, be so amended that justices of the peace shall have exclusive jurisdiction of the offence in said act specified.

CHAPTER CLIX.

AN ACT to regulate the retailing of spirituous liquors in the county of Kosciusko.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Persons vending to give bond—its penalty and conditions.
2. Such bond where filed—authenticated copy evidence—not void on first recovery, &c.
3. Clerk to deliver a copy to injured persons.
4. Any married woman may institute and maintain suit on such bond—the money collected—to whom paid, &c.
5. No suit for liquor bill to be entertained by courts—suits on notes for liquor bills to be dismissed with costs.

SECTION

6. What necessary to prove to sustain an action.
7. When county board may institute suit on such bond.
8. Penalty for retailing contrary to the provisions of this act.
9. Suits when prosecuted before a justice of the peace.
10. When voters may endorse "License" on tickets.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, no person shall be allowed to carry on the business of vending or retailing spirituous liquors in the county of Kosciusko, until he shall, in addition to any other requirements of law, have executed to the treasurer of said county, a bond in the penal sum of one thousand dollars, with three or more sufficient sureties, residents of said county, to be approved by the acting treasurer, conditioned to pay all damages that community or indi-

viduals may sustain by reason of such traffic; to support all paupers, widows, and orphans; pay the expenses of civil and criminal prosecutions made, growing out of, or justly attributable to such traffic.

Sec. 2. The bond above required, shall be filed with the clerk of the circuit court of said county, by said treasurer, and a copy of the same properly authenticated, shall be received in evidence in all courts of justice in this State, and shall not be void on the first recovery thereon, but may be put in suit from time to time, by any person who may conceive themselves injured by any breach of the conditions thereof.

Sec. 3. It shall be the duty of such clerk to deliver on demand, a copy of said bond, to any person who may claim to be injured by such traffic.

Sec. 4. It shall be lawful for any married woman to institute and maintain in her own name, a suit on any such bond for all damages sustained by herself or children, on account of such traffic, and the money when collected, shall be paid over to her for the use of herself and children.

Sec. 5. No suit for liquor bills shall be entertained by any court of justice in said county, and whenever it shall be made to appear to any such court before which a suit may be pending upon any promissory note hereafter executed, that the same was given in whole or part, for liquor bills, such court shall immediately dismiss such suit at the costs of the plaintiff.

Sec. 6. On the trial of any suit under the provisions of this act, the cause or foundation of which shall be the act of an individual under the influence of liquor, it shall only be necessary in order to sustain the action to prove that the principal in the bond sold or gave liquor to the person so under the influence of liquor, and whose acts are complained of, previous to the commission of the offence, on the same day.

Sec. 7. Whenever any person may become a county charge in said county, by reason of intemperance, a suit may be instituted by the board of commissioners of said county, on the bond of any person who may have been in the habit of giving or selling liquor to such person or pauper so becoming a public charge.

Sec. 8. Any person who shall retail spirituous liquors contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, in addition to the penalties now prescribed by law, upon conviction by presentment or indictment, be fined in any sum not less than ten nor more than one hundred dollars.

Sec. 9. All suits authorized by the provisions of this act may be commenced and prosecuted before justices of the peace, where the amount of damages claimed do not exceed one hundred dollars.

Sec. 10. That at the vote taken in said county of Kosciusko, in conformity with the second section of an act entitled "An act to authorize the people of the several townships of the several counties, to prohibit the retailing of spirituous liquors," approved Janu-

ary 28, 1847, each voter may endorse on his ticket the word "License."

Sec. 11. If a majority of all the votes given in any township of said county, at any such election, shall have endorsed thereon the word "License," it shall be the duty of the officers of such election forthwith, to certify that fact to the proper county auditor, in writing under their hands, whose duty it shall be to lay the same before the board doing county business in said county, at their next succeeding session.

Sec. 12. Such board of commissioners shall grant licenses to retail spirituous liquors in pursuance of the provisions of this act, in any township so voting for "License," upon the conditions now required by the laws of this State, but shall not grant licenses in any township in said county, not so voting for a "License."

Sec. 13. This act shall be in force from and after its passage, in the said county of Kosciusko, alone, and it shall be the duty of the Secretary of State, to forward a certified copy thereof, to the clerk of the circuit court of said county.

CHAPTER CLX.

AN ACT to prohibit the sale of intoxicating drinks in Blue River township, Johnson county.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Sale of, in less quantities than 30 gallons prohibited.
2. Penalty for violation of the provisions of this act.

SECTION

3. Justices to have concurrent jurisdiction with circuit court--defendant may be recognized to court.
4. Repealing clause.
5. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall not be lawful for any person or persons directly or indirectly to sell or barter spirituous liquors, wine, or strong beer, by a less quantity than thirty gallons, within the limits of Blue River township, in Johnson county, except for medicinal or sacramental purposes.

Sec. 2. Any person or persons violating the provisions of this act, for every such violation, upon conviction thereof on indictment in the proper circuit court, or being charged with such violation by the affidavit of any person, before any justice of the peace of said township, and by such justice or the jury upon the trial thereof, found guilty, shall be fined in any sum not less than twenty nor more than twenty-five dollars.

Sec. 3. Justices of the peace of said township shall have concurrent jurisdiction with the circuit court, in all cases arising under this act, [subject to the provisions of an act] entitled "An act to extend the jurisdiction of justices of the peace in certain criminal cases," approved February 16th, 1848; *Provided*, That if the defendant so elect, he may be recognized to the Johnson circuit court without trial, or appeal from the judgment of such justice, according to the provisions of the sixth and twenty-first sections of the fifty-fifth chapter, article first of the Revised Statutes of 1843.

Sec. 4. All laws conflicting with this act, so far as Blue River township, in the county of Johnson, and State of Indiana, is concerned, are hereby repealed.

Sec. 5. This act to take effect and be in force from and after its publication.

CHAPTER CLXI.

AN ACT in relation to the sale of spirituous liquors in Ripley Township, in the county of Rush.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Sale of, prohibited.
2. Penalty for violation of this act, and how enforced.

SECTION

3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act it shall not be lawful for any person or persons to sell, barter, or exchange to any person or persons within the limits of Ripley township, in the county of Rush, any spirituous or intoxicating liquors whatever, except for chemical, sacramental, medicinal, and scientific purposes: *Provided, however*, That cider and beer shall not be understood as coming within the provisions of this act.

Sec. 2. Any person or persons who shall violate the provisions of this act, upon conviction thereof before any justice of the peace of said township, who is hereby invested with full and ample jurisdiction to hear and determine the same, or upon presentment or indictment in the circuit court of said county, shall be fined in any sum not less than five nor more than fifty dollars.

Sec. 3. This act shall take effect and be in force from and after its passage; and all laws conflicting with the provisions of this act, so far as the same relates to Ripley township, are hereby repealed, and this act is hereby declared to be a public act.

CHAPTER CLXII.

AN ACT relative to lands mortgaged and forfeited to the State of Indiana.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Auditor of State to transmit to county auditors list of forfeited lands, and when.

SECTION

2. Said forfeited lands continued on duplicate, but not on list of delinquent lands.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall hereafter be the duty of the Auditor of State to transmit to the several county auditors in this State, on or before the first day of June annually, a complete list of all the lands forfeited to the State of Indiana, lying in their respective counties.

Sec. 2. That the county auditors in making out the delinquent list of their said counties, shall not place said forfeited lands on the list of delinquent lands, but shall continue said lands on the tax duplicate of each year, until the same be disposed of by the State.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CLXIII.

AN ACT to provide for paying the amount due on the new stock belonging to the State in the Madison and Indianapolis Railroad, and for other purposes.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Appropriations to pay conditional purchasers of stock in M. and I. Railroad for money advanced.
2. Treasurer to pay instalment due January 1, 1850.

SECTION

3. Auditor and Treasurer to sell said stock—Terms—Notice of sale—And to transfer the same.
4. M. & I. R. R. Co. not to increase the stock without consent of the State of Indiana.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State is authorized to audit, and the Treasurer of State to pay out of any money in the treasury, the sum of three thousand nine hundred dollars, with interest at the rate of six per cent. per annum from the time it was advanced until the time of making payment, to the individual or individuals who made a conditional purchase of the two hundred and sixty shares

of stock in the Madison and Indianapolis Railroad Company to which the State was entitled by virtue of the increase of said stock made by the directors of said company on the 20th of February, 1849; and that the said Auditor also audit, and the said Treasurer pay to the said purchaser or purchasers the further sum of thirteen hundred dollars, with interest thereon from the 15th of March last, that sum having been advanced by said purchasers on that day to meet the instalment then due on the said new stock.

Sec. 2. That the Treasurer of State is required to pay the sum due on said new stock on the 25th of January, 1850, according to the requisitions of the directors of said railroad company.

Sec. 3. That the Auditor and Treasurer of State are directed to sell the said two hundred and sixty shares for the best price that it will command, having first given notice of said sale in one or more of the public papers in Indianapolis, for at least thirty days, the proceeds of said sale to be placed in the State Treasury. And the said Auditor and Treasurer are hereby invested with full power and authority to make the proper transfer or transfers of said stock to the purchaser or purchasers.

Sec. 4. It shall not hereafter be lawful for the Madison and Indianapolis Railroad Company to increase the stock held in said company, without first procuring the consent of the State of Indiana to the same, so long as said State has an interest in said road.

Sec. 5. This act to take effect and be in force from and after its passage.

CHAPTER CLXIV.

AN ACT to preserve the interest of the State of Indiana in the Madison and Indianapolis Railroad.

[APPROVED JANUARY 19, 1850.]

SECTION

1. M. & I. Railroad Company prohibited increasing the amount of stock.
2. Such increase without consent of the State declared a violation of the contract between said company and the State—Pro-

SECTION

- test against charging to road construction account the repairs of that part of the road finished by the State.
3. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act it shall not be lawful for the Board of Directors of the Madison and Indianapolis Railroad Company to authorize or order any increase of the amount

of the capital stock of said company while the State holds an interest in, or right of redemption to said road, without the consent of the said State first obtained according to law.

Sec. 2. The State hereby declares that she will regard any further increase of stock by said company (without the consent of the State being first obtained) as being unauthorized by law, and a violation of the contract existing between said company and the State. The State also hereby protests against the right or power of said company to charge up against the road construction account the costs of repairs on that part of the road finished by the State, inasmuch as the State did, by the act of the General Assembly, approved January 28, 1842, by virtue of which said company was organized, and also by the act of January 13, 1845, approved, amendatory of the same, grant to said company out of the nett proceeds of the State's finished portion of said road an amount amply sufficient to defray the expense of all needful and proper repairs of said portion of the road up to the year 1853, A. D.; therefore the State will not recognize the right or power of said company, after having once received an amount more than sufficient to meet all such proper expenses, again to charge the same up against said road as part of the cost of construction of said company, thereby requiring the State to pay the same twice, thus lessening the value of the interest which the State holds in said road.

Sec. 3. This act to take effect and be in force from and after its passage and publication in the State Sentinel and State Journal.

CHAPTER CLXV.

AN ACT to encourage the investment of capital for Manufacturing purposes.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Not less than seven persons may be incorporated for such purposes—articles of agreement, how acknowledged and where recorded—what to be determined and stated—money paid in, where deposited and how endorsed.
2. On the filing such articles of agreement in Secretary of State's office, Governor to issue letters patent—notice thereof how given.
3. For what purposes such corporation may take, hold, or sell real estate—powers and duties.
4. Such companies not to declare dividends when the debts exceed their solvent

SECTION

- credits—ten per cent. of capital to be set aside as fund for payment of debts.
5. Such companies to make annual exhibit of receipts and disbursements, liabilities and credits, under oath of proper officer—where filed and subject to public inspection.
6. Upon the organization of such company, county treasurer to pay over the moneys deposited to proper officer.
7. The letters patent to be taken as prima facie evidence of incorporation and organization.
8. Such companies not to engage in banking business.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful hereafter for any number of persons not less than seven, desirous to establish any manufactory at any place within this State, and wishing to become incorporated for convenience in raising the necessary capital, and conducting the business, to become incorporated in the manner following, to-wit: Such persons shall, by articles of agreement under their hands and seals, acknowledged before some notary public, justice of the peace, or recorder, and recorded in the office of the recorder of the proper county, determine and state as follows, to-wit: 1st, the corporate name; 2d, the business proposed; 3d, the place in which it is proposed to be carried on; 4th, the amount of capital; 5th, the number of shares, and amount of each, not less than fifty dollars; 6th, the length of time desired not to exceed thirty-one years; and 7th, the names of the persons who have subscribed, the shares by them respectively taken, and the amount paid in cash on each share; the money so paid on each share shall not be less than one dollar per share, and shall not in the whole be less than one hundred dollars, and shall be paid into the treasury of the proper county; and the certificate of the treasurer acknowledging said payment shall be endorsed on the said articles of agreement.

Sec. 2. On filing the said articles of agreement, acknowledged and recorded as aforesaid, with the treasurer's receipt endorsed as aforesaid, in the office of the Secretary of State, it shall be the duty of the Governor to issue letters patent declaring the said persons and their successors a corporation, according to the terms prescribed in said article of agreement, and to cause notice thereof to be published in some newspaper printed at Indianapolis.

Sec. 3. By virtue of said letters patent, the said persons shall become a corporation according to the terms of the said articles of agreement, and may take and hold or sell all such real estate as may be necessary for the transaction of their business, or for the security or collection of their debts, and shall further have all the powers granted, and be subject to all the duties prescribed in article 2 of chapter 32 of the Revised Statutes of 1843, enacting general provisions respecting corporations, and in any law amendatory thereto.

Sec. 4. That it shall not be lawful for any company that may organize under this act to declare any dividend when the debts of the company exceed their solvent credits, and the company shall set aside of the profits an amount equal to ten per cent. on the amount of capital subscribed as a surplus fund for the payment of the debts contracted or to be contracted.

Sec. 5. That it shall be the duty of said company, on or before the expiration of each year, after the organization of any company under this act, to cause to be made an exhibit of the amount of receipts and disbursements of the company for the year next preceding, as also the liabilities and credits of said company, which

exhibit shall be under the oath of the proper officer of said company, and filed in the office of the auditor of the county wherein said company may have established their business, which exhibit shall at all times be subjected to inspection of the public by said auditor.

Sec. 6. So soon as said corporation shall be actually organized by election of officers, the money paid into the treasury as above required shall by the treasurer be paid over to the proper officer thereof.

Sec. 7. The letters patent of the Governor shall in all cases in all courts in this State be deemed and taken as *prima facie* evidence of the regular incorporation and organization of the company to which such letters patent may be issued, and in all questions of pleading in any suit to which said company may be a party, such letters patent shall have the full effect of an act of incorporation by a public law of the State.

Sec. 8. No corporation constituted by virtue of this act shall engage in the business of banking, except that it [shall] be lawful for said company to issue and to take, and, when necessary, to endorse all such bonds, notes, and bills of exchange as may be necessary and usual in their particular trade.

Sec. 9. This act to be in force from and after its passage.

CHAPTER CLXVI.

AN ACT relative to the National Monument at Washington.

[APPROVED JANUARY 12, 1850.]

SECTION 1. The Governor to procure a block of stone or marble for National Washington Monument, and forward the same—expenses how paid.

WHEREAS, It is the opinion of this General Assembly, that Indiana should be represented by a block of stone or marble in the National Monument now in course of construction at the city of Washington, to the memory of George Washington, the father of his country; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Governor be, and he is hereby authorized and directed to procure a suitable block of stone or marble, and forward the same to the building committee at the city of Washington, at

his earliest convenience, and that the expenses necessarily incurred be paid out of any moneys in the treasury not otherwise appropriated by law.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER LXVII.

AN ACT making additional appropriations for the year 1850, upon the New Albany and Vincennes Turnpike Road.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Additional appropriation of \$1000 to be expended east of Paoli.
2. Additional appropriation of \$500 to be expended west of Paoli.
3. The Superintendent of to make contracts, for what and in what manner.
4. Certain citizens of Martin county required to work said road—for failing to work.

SECTION

- liable to the same penalties, and subject to the same liabilities, as on other highways—penalty for neglect of Supervisors.
5. Citizens of Orange county to work on said road as in other districts.
6. When in force—Secretary of State to forward copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be appropriated and expended upon that portion of the New Albany and Vincennes Turnpike Road lying east of Paoli, in addition to the appropriations already made, one thousand dollars, for the year eighteen hundred and fifty, out of the tolls arising from said road, to be expended under the direction of the Superintendent thereof, in repairing and keeping up the same.

Sec. 2. That there shall also be appropriated and expended upon that portion of said road lying west of Paoli, for the year 1850, in addition to what has already been appropriated, the sum of five hundred dollars, out of the tolls of said road, to be expended in re-flooring and repairing the bridges now in use on that portion of said road under the direction of the Superintendent aforesaid.

Sec. 3. That said Superintendent is hereby required and authorized to contract for and procure good oak plank, two inches thick, for the purpose of re-covering or flooring said bridges, or such of them as may most need the same, which shall be paid for in quarterly payments, the times of which said quarterly payments shall be computed from such time or times as the interest on said road may require, or as may be agreed upon between the parties, and to make such other repairs upon said road and bridges lying west of

Paoli, as the amount of money hereby appropriated for that purpose will permit him to do.

Sec. 4. That the citizens of the county of Martin liable to work on public highways, residing within one mile and a half of that portion of said road running through said county, upon either side thereof, extending as far west as, and including the town of Mt. Pleasant, shall be required to work said road, or that portion of the same running through their respective districts, in the same manner as they are required to work public highways in said county, and any person liable to work on public highways as aforesaid, and failing to work upon the same, or to provide an able-bodied substitute, when duly notified, shall be liable to the same penalties and subject to the same liabilities, as for failing to work upon the public highways of this State, and the several supervisors of road districts through which said portion of said road may run, for failing to cause said road to be worked as aforesaid, or to keep the same in good repair, as the amount of hands under their control will permit, shall be liable to presentment or indictment in the proper circuit court, and be fined in any sum not exceeding fifty dollars, and not less than ten dollars.

Sec. 5. That the citizens of Orange county liable to work on roads, shall work on said road as in other road districts in said county, west of Paoli.

Sec. 6. This act shall be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the Clerk of the Orange Circuit Court.

CHAPTER CLXVIII.

AN ACT extending the jurisdiction of Notaries Public.

[APPROVED JANUARY 15, 1850.]

SECTION 1. Their jurisdiction made co-extensive with boundaries of the State—not compelled to act officially out of the county in which he resides.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the jurisdiction of Notaries Public be, and the same is, hereby made co-extensive with the boundaries of this State, any law to the contrary notwithstanding: *Provided,* That no Notary Public shall be required to act in his official capacity, except in the county in which he resides.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXLIX.

AN ACT to repeal an act passed January 15, 1844, so far as relates to
Fairfield township, Tippecanoe county.

[APPROVED JANUARY 16, 1849.]

SECTION

1. Overseers to be annually elected in Fairfield township, Tippecanoe county, and how governed.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the legal qualified voters of Fairfield township, Tippecanoe county, Indiana, to elect on the first Monday of April next, at their usual place of holding elections in said township, two overseers of the poor, for said township, and annually thereafter, who shall serve as such, and be governed in all respects by the laws in such cases provided, as justices of the peace now are.

Sec. 2. That so much of any law or laws of this State authorizing justices of the peace in Fairfield township, Tippecanoe county, to serve as overseers of the poor, is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXX.

AN ACT to amend the 138th section of the 45th chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 18, 1850.]

SECTION

1. In cases of partition, Probate Court may direct the sale, to be public or private—

SECTION

not made at private sale for less than appraised value.
2. Private sales heretofore made, legalized.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases of the sale of lands under the provisions of the 138th section of the 45th chapter of the Revised Statutes of 1843, the court in its discretion may direct, such sales to be either at public or private sale: *Provided*, The same shall not be made at private sale for less than the appraised value of the land.

Sec. 2. That all sales of land heretofore made under the provisions of the sections aforesaid, if made in good faith, and for the full appraised value of the land, at private sale, be legalized and held as valid, as if such sale or sales had been made at public vendue.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXI.

AN ACT directing the Secretary of State to make a patent to James Hensley for certain Wabash and Erie Canal lands.

[APPROVED JANUARY 21, 1850.]

SECTION 1. The Secretary of State directed to make a patent for certain lands to James Hensley.

WHEREAS, It is represented to the General Assembly that in the year 1832, one Harrison Burnett purchased of the commissioners of the Wabash and Erie Canal, at the land office in Logansport, Indiana, the west half of the north quarter of section number twenty-four, in township number twenty-seven north, of range number one east, containing eighty acres, and received therefor a certificate of purchase, numbered 242; and also purchased of said commissioners, at the land office at Fort Wayne, the east half of the north-east quarter of section numbered twenty-three in township number twenty-seven, of range number one east, containing eighty acres, and received a certificate of purchase therefor, numbered 613; which certificates were afterwards assigned by said Harrison Burnett to Joseph Sellers, and transferred by said Joseph Sellers to John Sellers: AND WHEREAS, Said Joseph died without making an assignment of said certificates, and the said John Sellers afterwards assigned the same to Wills Buzan, and the said Wills Buzan to James Hensley: AND WHEREAS, Full payment for said tracts of land has been made to the State of Indiana, by said Buzan: AND WHEREAS, In a certain suit in chancery now pending in the Supreme Court of the State of Indiana, wherein the said John Sellers is complainant, and the other heirs and the administrators of Joseph Sellers are defendants, it was by said court decreed at the May term, A. D. 1849, that Daniel D. Pratt be appointed a commissioner to assign over all the right and interest which the said Joseph Sellers had at the

time of his death, or that his heirs or legal representatives at the time of said decree had in said canal certificates, to said John Sellers, his heirs and assigns: AND WHEREAS, The said certificates have become lost, so that said assignment could not be made by said commissioner; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Secretary of State be and he is hereby directed to execute and deliver to the said James Hensley, a patent for the lands aforesaid, described in said certificates No. 242 and No. 613.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CLXXII.

AN ACT directing the Secretary of State to make a patent for a certain lot in the town of Indianapolis to Samuel Henderson.

[APPROVED JANUARY 3, 1850.]

SECTION 1. The Secretary of State to make a patent for certain real estate to Samuel Henderson.

WHEREAS, It has been represented to the General Assembly that Samuel Henderson is the assignee and owner of the original certificate for the following described lot of ground, to-wit: square number seventeen in the city of Indianapolis, which was issued to one Jeremiah Johnson and by him assigned to one Edmond Waller, and by him assigned to said Samuel Henderson, which certificate has been lost or mislaid, and that it appears that full payment has been made to the State for said lot; Wherefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Secretary of State be directed to make to said Samuel Henderson a patent for the above described real estate, to-wit: square number seventeen in the city of Indianapolis.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLXXIII.

AN ACT for the temporary relief of the poor in Dearborn county.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Township trustees may assess additional tax for temporary support of the poor.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the board of trustees of the several townships in the county of Dearborn to assess an additional tax for the temporary support of the poor in their respective townships, with the other township tax.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLXXIV.

AN ACT to amend section 141, of chapter 35, of the Revised Laws of 1843, relating to the duties of overseers of the poor.

[APPROVED JANUARY 15, 1850.]

SECTION 1. The requirements of the 141st section, chapter 35, Revised Statutes of 1843, to be optional with the overseers of the poor, as it applies to colored children.

WHEREAS, It sometimes happens that it is necessary for overseers of the poor to provide for poor colored children, and because of the requisition of the law, "that every indenture of apprenticeship (made by the overseers of the poor) shall contain an agreement on the part of the master or mistress, that they shall cause the apprentice to be taught to read and write, and to be instructed in the general rules of arithmetic at least to the double rule of three, inclusive," it is found to be impossible to bind, owing to the fact that they cannot be sent to common school with white children; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the requirements contained in the 141st section of chapter 35, of the Revised Statutes of 1843, be wholly optional and discretionary with overseers of the poor, so far as the same may apply to colored children.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXV.

AN ACT to authorize the commissioners of Carroll county to employ a physician for the poor.

[APPROVED JANUARY 16, 1850.]

SECTION

1. County board authorized to employ a physician.
2. Duty of such physician.

SECTION

3. No other person to receive compensation for such services unless the physician so appointed be absent or unable to attend.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Carroll, is hereby authorized to employ a physician to attend the paupers of said county, at such compensation as said board may deem just and reasonable.

Sec. 2. It shall be the duty of said physician to attend to the sick paupers of said county whenever required so to do.

Sec. 3. Any other person attending upon the paupers of said county as physician, shall not be entitled to any compensation therefor, unless the physician employed under the first section of this act shall be at the time absent or unable to attend upon such paupers.

Sec. 4. This act shall be in force from and after its passage.

CHAPTER CLXXVI.

AN ACT to repeal a certain act therein named, as far as the same applies to Randolph county.

[APPROVED JANUARY 19, 1850.]

SECTION 1. An act relative to Pedlars repealed as to Randolph county—article 11, chapter 12, Revised Statutes 1843, revived and in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act in relation to traveling merchants or pedlars in the several counties therein named," approved, January 27, 1849, be and the same is hereby repealed, as far as the same applies to the county of Randolph, and hereafter the granting of license to such merchants or pedlars shall be regulated by the

provisions of article eleven, chapter twelve, of the Revised Statutes of 1843, which are hereby revived and declared in full force.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLXXVII.

AN ACT to amend the 11th article of the 12th chapter of the revised laws of 1843, so far as Putnam county is concerned.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Pedlars not permitted to vend foreign merchandise without license.

SECTION

2. Repealing clause.
3. When to take effect.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That traveling merchants and pedlars shall not be permitted or allowed to vend or offer for sale any foreign groceries in the county of Putnam, until he, she, or they shall have paid into the county treasury of said county, the sum of ten dollars per annum, and no license or permit shall be granted them to retail their goods or groceries in said county for a less period than six months.

Sec. 2. All laws and parts of laws coming within the purview of the foregoing provisions be, and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after the first Monday in June next.

CHAPTER CLXXVIII.

AN ACT regulating the license of Traveling Pedlars in several counties therein named.

[APPROVED, JANUARY 19, 1850.]

SECTION

1. License assessed in the counties of White, Pulaski, Jasper, St. Joseph, Elkhart, Lagrange, Allen, and Benton.
2. Application of the term traveling merchant.
3. Not to extend to certain articles.
4. License to be procured from county auditor.

SECTION

5. Auditor and other officers to see that licenses are procured—penalty for neglecting to obtain license.
6. Amount of penalty to be paid into the common school fund.
7. Prosecution, how conducted.
8. Suits, how commenced—what property subject to execution.
9. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be assessed and paid into the county treasury of the counties of White, Pulaski, Jasper, St Joseph, Elkhart, Lagrange, Allen, and Benton, for county purposes, the following: For each license to traveling merchants and pedlars, the annual sum of not less than five nor more than twenty dollars, except the county of Elkhart, the license of which shall be twenty dollars, which shall only authorize such merchant or pedlar, to sell goods, wares, and merchandize in the county where such license is obtained.

Sec. 2. The term traveling merchant or pedlar, as used in this act, shall be construed to include every itinerant and unsettled person trading and dealing in any foreign or domestic goods, merchandize, or jewelry.

Sec. 3. This act shall not extend to venders of agricultural instruments, or implements of husbandry, or to venders of pottery or earthen ware, nor to persons vending tin ware manufactured in this State, or to any articles exclusively manufactured by such vender, which shall have been manufactured in this State.

Sec. 4. Such license shall be procured from the proper county auditor, and shall not authorize any such person to vend any such goods, wares, or merchandize, unless the name of the person so vending is inserted in such license.

Sec. 5. It shall be the duty of the County Auditor, Treasurer, Clerk, Sheriff, and each and every Justice of the Peace, and constables and other officers acting in and for the proper county, to see that licenses are procured and paid for, by those who should obtain the same, and on neglect or refusal of any such person to obtain such license before selling any article of merchandize as aforesaid, he or they shall be liable for every such offence of selling to an action in the name of the proper County Treasurer, for the sum of fifty dollars, before any court having jurisdiction thereof, and it shall be the duty of the above named officers or any of them, to cause suit to be instituted immediately in the name of the proper Treasurer, in an action of debt for the said sum of fifty dollars.

Sec. 6. Upon recovery of the penalty in the last section prescribed, the whole amount of such money so recovered shall be paid into the common school fund of the proper county.

Sec. 7. That in all prosecutions for the violation of this act it shall only be necessary to allege in the cause of action that the defendant is indebted to the County Treasurer in the sum of fifty dollars, for vending merchandize contrary to law, and in all prosecutions under this act no suit shall be dismissed or abated for any defect or omission in the process or pleadings, either in the name of the defendant or otherwise, but the same shall be amended from time to time as may be necessary, and a single act of selling shall when proven, authorize a recovery against such traveling merchant or pedlar in all trials for violation of the provisions of this act, if it shall appear in evidence that the defendant failed to produce and show his license upon being requested to do so by any of the officers mentioned in the fifth section of this act. Such failure to produce and show such license shall be evidence that such defendant had no license at the time of the vending complained of, and no subsequent exhibition of his license after the issuing of the process in any prosecution under this act, or proof of a license upon the trial of the cause shall be of any avail, nor constitute any defence to said defendant on the trial of any such case.

Sec. 8. All suits instituted under this act shall be commenced by capias returnable forthwith, which shall issue as a matter of course upon the filing of a cause of action as prescribed by the seventh section of this act, and if after trial judgment shall be rendered against the defendant, the wagon, horses, goods, wares, and merchandize in his possession, used in carrying on said trade shall be immediately subject to execution to satisfy said judgment.

Sec. 9. All laws and parts of laws coming in conflict with the provisions of this act be, and the same are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its passage.

CHAPTER CLXXIX.

AN ACT to amend an act, entitled "An act authorizing the construction of Plank Roads," approved January 15, 1849.

[APPROVED JANUARY 14, 1850.]

SECTION 1. When tolls may be collected in Wabash county.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That no individual, individuals, or body corporate shall be

permitted to locate or construct upon any county or State road in the county of Wabash a plank road or any other road upon which it is intended to charge toll, unless the party constructing roads under the provisions of the act to which this is an amendment, shall construct at least ten miles of road in one continuous route: *Provided*, Nothing herein contained shall prevent the individual or corporation constructing the same from charging tolls on any five miles of road so soon as completed in accordance with the above act to which this is an amendment.

Sec. 2. This act to be deemed a public act, and be in force from and after its passage and publication.

CHAPTER CLXXX.

AN ACT to amend the General Plank Road Law.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Articles of association—Copies of, where and when filed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an act, entitled "An act authorizing the construction of Plank Roads," approved January 15, 1849, be so amended as to read as follows: That any number of persons may form themselves into a corporation for the purpose of constructing and owning a plank, McAdamized, or gravel road by complying with the following requirements: They shall unite in articles of association setting forth the name which they assume, the line of the route, and the places to and from which it is proposed to construct the road, the amount of capital stock, and the number of shares into which it is to be divided, the names and places of residence of the subscribers, and the amount of stock taken by each shall be contained in said articles of association. Whenever the stock subscribed amounts to one thousand dollars per mile of the proposed road, copies of the articles of association shall be filed in the office of the recorder of each county through which the road is to pass.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CLXXXI.

AN ACT to amend an act authorizing the construction of Plank Roads, approved January 13, 1849.

[APPROVED, JANUARY 19, 1850.]

SECTION

1. Roads may be extended beyond their original limits.

SECTION

2. Proceedings against non-resident land owners.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any company has been formed and organized in pursuance of the aforesaid act, the said company is hereby authorized and empowered to make such additions to the road, or to extend the same beyond the original limits contemplated by the company, as a majority of the stockholders shall determine.

Sec. 2. That the seventh section of the above recited act is so amended that in case the owner of any land over which such plank road be located should not be a resident of the county in which such land may be, the company may summon the agent of the owner thereof, and the same proceedings may be had against him as against the owner, and the same shall be equally binding upon the owner and upon the company.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CLXXXII.

AN ACT to correct a mistake in the act relative to Plank Roads.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Mistake declared in a repealing act—meaning of, defined.

SECTION

2. Declared a public act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act entitled "an act to amend an act entitled 'an act to authorize the construction of plank or coal roads, approved 16th February, 1848,' approved January 10th, 1849," as repeals or modifies section nine of an act entitled "an act to authorize the formation of voluntary associations," approved 27th January, 1847, is hereby declared to be a mistake, and that the true intention

and meaning thereof was and is to repeal section eight and not section nine to the extent therein specified; and said section eight of said last mentioned act is hereby declared to be repealed, and section nine of said act is hereby declared to be in full force, so far as the same or either of them relate to plank or coal road companies.

Sec. 2. This shall be a public act and shall be in force from and after its passage.

CHAPTER CLXXXIII.

AN ACT to amend an act entitled "An act authorizing the construction of Plank Roads," approved January 15, 1849.

[APPROVED JANUARY 16, 1850.]

SECTION 1. "Auditor" inserted in place of "Recorder" in the 1st and 14th sections of the act amended.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first and fourteenth (1 & 14) sections of said act be and the same are hereby amended by striking out the word "Recorder" where the same occurs in each section, and inserting in the place thereof the word "Auditor."

Sec. 2. This act to be in force and take effect from and after its passage.

CHAPTER CLXXXIV.

AN ACT to enable the inhabitants of the counties of Huntington and Whitley to construct Plank Roads.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Townships authorized to subscribe stock—bonds, issue of, time to run, and rate of interest.
2. Vote to be taken for and against subscribing stock.

SECTION

3. Trustees to subscribe in case a majority of voters shall be found in favor thereof—assessment to pay interest on bonds.
4. Dividends, how applied.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of constructing one or more plank roads in the counties of Huntington and Whitley, the township trustees of the several townships of the counties aforesaid are hereby authorized, and it is made their duty under the provisions and restrictions hereinafter mentioned, to subscribe stock in behalf of their townships respectively, and issue bonds for the security thereof, in such reasonable amount not less than two thousand dollars for any one township, as they may deem necessary to construct in whole or in part any such road or roads; said bonds to be payable in not less than five years from the date thereof, at any rate of interest not exceeding eight per centum per annum.

Sec. 2. That before any subscription of stock as aforesaid shall be made, the trustees of the several townships of the counties aforesaid shall, at the April election in A. D., 1850, and may at any election thereafter, by giving previous notice of the same, open a poll for the purpose of taking a vote of the qualified electors of the said townships, whether they are in favor of said trustees subscribing stock as aforesaid; and those in favor thereof shall endorse "subscription" and those opposed thereto shall endorse "no subscription" upon the tickets; and the majority of the legal qualified voters of said townships shall determine the question, and the said trustees shall govern themselves accordingly.

Sec. 3. That within twenty days after such vote as aforesaid shall have been taken, if a majority so voting shall be found in favor thereof, the trustees of the several townships aforesaid shall subscribe and issue bonds agreeably to the provisions of the first section of this act; and on the first Monday of June thereafter shall assess such an amount of tax as they shall find necessary for the payment of the interest on the bonds so issued, which tax shall be assessed and collected as other township taxes are assessed and collected.

Sec. 4. That so much of the dividends arising from tolls on any such road or roads as aforesaid, accruing to the townships respectively in proportion to the amount so subscribed, shall be faithfully applied to the redemption of the bonds issued by said trustees.

Sec. 5. This act shall take effect and be in force from and after its passage.

CHAPTER CLXXXV.

AN ACT to authorize the appointment of a private secretary to the Governor.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Appointment—compensation—to act as messenger during the sessions of the Legislature.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Governor of the State is hereby authorized to appoint a private secretary, who shall not receive a greater sum than three hundred dollars per annum for his services, which shall be in full for his duties as private secretary to the Governor and messenger during the sessions of the legislature.

Sec. 2. That this act be in force from and after its passage.

CHAPTER CLXXXVI.

AN ACT relative to the probate judge of Shelby county.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Authorized to practice, except in the Shelby probate court.

Section 1. *Be it enacted by the General Assembly of the State of Indiana.* That no law of this State shall be so construed as to prevent the judge of the probate court of Shelby county from practicing law in any court of this State, in which he may be licensed according to law to practice, excepting said probate court.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLXXXVII.

AN ACT defining the duties and fixing the compensation of the prosecuting attorney of Tippecanoe county.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Fees in certain prosecutions.

2. Duties of, in relation to common school funds—Compensation.

SECTION

3. County board to make allowance for other services.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the prosecuting attorney for the county of Tippecanoe, shall, on all prosecutions for felony, on conviction on plea of not guilty, be allowed a fee of ten dollars; on plea of guilty, six dollars; and on all convictions in the circuit court for crimes less than felony, on pleas of not guilty, six dollars; on pleas of guilty, five dollars, to be collected and paid as other costs.

Sec. 2. When necessary, and so directed by the board of county commissioners of said county, it shall be the duty of such prosecuting attorney to examine into and report to said board the condition of any or all of the common school funds of said county, or county business; and when ordered by said board, such prosecuting attorney shall commence and prosecute or defend any suit or suits in which such funds or said county may be interested, for which said board shall allow such attorney such compensation as to them shall seem just and right for each of such duties by said board required of such prosecuting attorney as in this section specified.

Sec. 3. Said county board may, from time to time, for the duties required of such prosecuting attorney, and which are not specified in the second section of this act, make to such prosecuting attorney such allowances as to them shall seem just and right, not to exceed in the aggregate fifty dollars per annum.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXVIII.

AN ACT providing for the election of Prosecuting Attorney in Wabash county.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Act to elect by counties revived—act to elect by judicial circuits repealed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act providing for the election of Prosecuting Attorneys in each county, approved, January 27th, 1847, be, and the same is hereby revived and declared to be in force in the said county of Wabash, and that the act entitled "An act to provide for the election of prosecuting attorneys in the 4th and 8th Judicial Circuits," approved, January 16, 1849, be and the same is hereby repealed, so far as relates to the county aforesaid.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLXXXIX.

AN ACT to provide for the election of a Prosecuting Attorney in the second Judicial Circuit.

[APPROVED, JANUARY 21, 1850.]

SECTION

1. Act to elect by counties repealed.

SECTION

2. Act to elect by judicial circuits revived.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled, "An act providing for the election of a prosecuting attorney in each county," approved, January 27, 1847, be and the same is hereby repealed, so far as relates to the second judicial circuit.

Sec. 2. And that the act entitled, "An act to provide for the election of prosecuting attorneys by their people," approved, February 11, 1843, be and the same is hereby revived in said second judicial circuit, from and after the passage of this act.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXC.

AN ACT in relation to the Prosecuting Attorney of Hendricks county.

[APPROVED, JANUARY, 19, 1850.]

SECTION 1. To attend to prosecutions cognizable by justices of the peace—fees, how collected.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the Prosecuting Attorney for Hendricks county, to attend when notified, to all prosecutions for offences cognizable by Justices of the Peace in said county, and upon a final conviction of any person, for any offences, wherein said justices of the peace has jurisdiction, there shall be charged against the person or persons convicted, each, the sum of two dollars and fifty cents, which shall be collected as costs for the use of said prosecuting attorney.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXCI.

AN ACT to raise a revenue for State purposes for 1850.

[APPROVED, JANUARY 19, 1850.]

SECTION

1. Assessment for State purposes.

2. Assessment for expenses of the Convention—for benevolent institutions.

SECTION

3. County Auditors not required to keep separate accounts of the assessments and collections for each purpose.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That for State purposes a tax of twenty five cents on each one hundred dollars of the value of all property entered for taxation in the general list of taxables, and seventy five cents on each poll subject by law to taxation, be, and hereby is authorized and ordered to be levied and collected for the current year 1850, and the same shall be assessed, levied, and collected according to law.

Sec. 2. That in addition to the above amounts, there shall be assessed, levied, and collected on each one hundred dollars value of all property so entered for taxation as aforesaid, the following assessments, to-wit: the sum of three and a half cents, to meet the expenses of the Convention to revise and amend the Constitution of the State of Indiana; the sum of one cent and seven and a half mills, for the Indiana Hospital for the Insane; the sum of two

cents and two and a half mills for the Asylum for the Deaf and Dumb; and the sum of one cent for the Institute for the Education of the Blind; and the Treasurer of State shall be required to set apart from the gross amount of revenue paid into the treasury for the year 1850, the sums contemplated in this section for said several purposes.

Sec. 3. It shall not be necessary for the several county auditors and treasurers, in the assessment and collection of the revenue contemplated in the second section of this act, to keep separate accounts of the assessments and collections for each purpose, but the same shall be placed and accounted for, together as one item in the amount of revenue for said year.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXCH.

AN ACT to extend the time for collecting delinquent taxes in Elkhart county.

(APPROVED JANUARY 21, 1850.)

SECTION 1. County Treasurer may collect taxes charged to him and still unpaid, within two years.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one hundred and fifty-four, of chapter twelve, article ten of the Revised Statutes of 1843, be and the same is hereby so amended, that the county Treasurer of Elkhart county and his successors in office, may also collect any taxes mentioned in said section, at any time within two years after the expiration of his term of office.

Sec. 2 This act to be force from and after its passage.

CHAPTER CXCHII.

AN ACT relative to the Sale of land for taxes in the county of Johnson, and for other purposes.

(APPROVED JANUARY 21, 1850.)

SECTION

1. Authorizing delinquent lands, subject to sale in 1850, to be sold in 1851, in case the taxes remain unpaid.
2. Unpaid taxes settled for by the former

SECTION

- treasurer, to be collected by the present treasurer, and how
3. Treasurer, how directed to appropriate the aforesaid unpaid taxes.
4. When in force.

WHEREAS, On the first Monday in January, 1850, there was a vacancy in the office of treasurer of Johnson county, by reason whereof, the lands in said county heretofore returned, and remaining delinquent for taxes, and by law on said day, liable to be sold in part or whole, for the taxes due from the owners thereof, were not offered for sale according to law; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the lands in said county of Johnson, heretofore returned and remaining delinquent for taxes which, or so much thereof as might be necessary for the payment of the taxes due thereon, was subject to sale on the first Monday in January, 1850, if the said taxes so due thereon, shall remain due and unpaid on the first Monday in January, 1851, shall be sold in the same manner and upon the same notice as provided by law in cases where the sale of land subject to sale for taxes is not perfected for want of bidders.

Sec. 2. All the unpaid taxes on the tax duplicates of Johnson county, which have been settled for by William Bridges, former treasurer of said county, with the auditor of said county, may be collected by the present treasurer or his successor in office, by distress and sale in the manner directed in article five, chapter twelve of the Revised Statutes of 1843, or by action of debt in his own name, before any justice of the peace or court having jurisdiction; *Provided,* The same are collected in one year after the taking effect of this act.

Sec. 3. The treasurer collecting any or all of the unpaid taxes aforesaid, shall appropriate as much thereof as may be necessary, in discharge of the liabilities of said Bridges, as such treasurer to Johnson county, and any excess shall be paid over to said William Bridges, his heirs, or assigns.

Sec. 4. The Secretary of State shall cause this act to be published in the Indiana State Sentinel and State Journal, from which time it shall be in force.

CHAPTER CXCV.

AN ACT to provide for carrying the unpaid taxes of 1847, and the delinquent taxes of previous years on the tax list of 1850, in the county of Adams.

[APPROVED JANUARY 14, 1850.]

SECTION 1. County auditor to add delinquent taxes of 1847 to duplicate of 1850—how collected and accounted for.

WHEREAS, It has been made to appear by the petition of the board of county commissioners of the county of Adams, and divers other persons, that a large amount of the taxes charged on the tax-list of 1847, in said county remain uncollected by the treasurer of said county, and unpaid; that there was no sale of delinquent lands on the first Monday in January, 1848; and further, that there was no return made by the treasurer of said county, to the county auditor of the delinquent list in February, 1848; and that said taxes so remaining unpaid, were never charged upon the tax list of 1848 or 1849; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the taxes charged on the tax-list of 1849, so remaining uncollected and unpaid, as aforesaid, be carried forward by the county auditor, and charged, without penalty or interest, in an appropriate column on the tax list of 1850, and that they shall be collected and accounted for, as the taxes of 1850, are to be collected and accounted for; and that they shall be returned in all respects, as to penalty and interest as the taxes of 1850, except that the person paying, shall file the treasurer's receipt for payments, in the auditor's office, and take the auditor's receipt therefor.

Sec. 2. That this act shall be in force and take effect from and after its publication.

CHAPTER CXCV.

AN ACT to amend an act entitled an "An act defining the duties of Treasurer, Auditor, and Supervisors of highways in the county of Dearborn," approved January 26, 1847.

[APPROVED JANUARY 3, 1850.]

SECTION

1. When auditor shall furnish township clerks with assessment roll, and the per centage levied for road purposes.
2. Township clerks to furnish road lists to supervisors.
3. Supervisors to call out the inhabitants to work roads.
4. Supervisors to make return to the town-

SECTION

- ship clerk, of the amount paid and unpaid.
5. Township clerks to make return to the county auditor.
6. Compensation of township clerks.
7. No additional compensation to be allowed the auditor.
8. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of Dearborn county, annually, hereafter, shall, on or before the twentieth day of June, furnish the clerk of each township in said county, with the assessment roll of their respective township, together with blank road lists for each road district in said township, and also certify the per centage levied by the board of commissioners for road purposes on each one hundred dollars' worth of [taxable] property.

Sec. 2. It shall be the duty of the clerk of each township on the receipt of said assessment roll and blank road lists, forthwith, to make and deliver to each supervisor, a list of the names of all persons in his road district, and the amount of road tax due from each, computed at the rate levied by said county commissioners on each one hundred dollars' worth of taxable property.

Sec. 3. The supervisors of the several road districts in said county, shall, upon receipt of said road lists, call out the inhabitants of their respective road districts, to work out the road tax charged against them in the list furnished by said township clerk.

Sec. 4. Each supervisor of roads shall, on or before the fifteenth day of August, return to the clerk of his township, the road list showing the amount that has been paid by each, and the amount unpaid.

Sec. 5. The clerks of the several townships in said county shall, on or before the first day of September, in each year, return to the county auditor, the assessment rolls furnished them by the auditor, and the road lists furnished them by the supervisors of roads, which road lists, so returned, shall be proceeded with by the auditor of said county, as is now provided by law.

Sec. 6. The clerks of the several townships shall receive such compensation for their services, required in this act, as the trustees of their respective townships may allow.

Sec. 7. No additional compensation shall be allowed the audi-

tor for duties required of him in this act, above what he now receives under the act to which this is an amendment.

Sec. 8. Any law conflicting with the provisions of this act, is hereby repealed.

Sec. 9. This act to be in force from and after its passage.

CHAPTER CXCVI.

AN ACT to amend an act entitled "an act to revise and consolidate the several acts of the General Assembly, relative to laying out, opening, repairing, changing, and vacating public highways, and to the erection and repair of bridges, and to amend the same," so far as relates to the county of Wabash.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Persons subject to labor on roads, and number of days required to work—notice to be given.
2. Assessment for road purposes.
3. *Ad valorem* road tax may be assessed in lieu of specific.

SECTION

4. Supervisors may increase road tax—notice to be given—may bring suit—to make return—road tax may be worked out.
5. Amended act to continue in force, except such provisions as conflict with this act.
6. When to take effect.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That every able-bodied male citizen, resident of the county of Wabash, over the age of twenty-one years, and under the age of fifty years, shall perform not less than two, nor more than five days labor in each year, on the roads in the district in which he resides: *Provided however*, He shall be notified of the time and place he is required to work, by the supervisor of the proper district.

Sec. 2. There shall be assessed and collected, for the purpose of constructing and repairing roads in the county aforesaid, the sum of one and one-fourth cents on each and every acre of land lying and being within the limits of said county, subject to taxation; and on all town lots and the improvements thereon, and the personal property of any resident citizens of any town in said county, there shall be assessed by the board of commissioners of the county aforesaid, at their March term in each year, a tax for road purposes, not exceeding twenty-five cents on each one hundred dollars' worth thereof; which tax shall be in lieu of all road tax required to be levied by section one hundred and one, of the act to which this is an amendment.

Sec. 3. That the board doing county business in said county shall, at any March term thereof, upon petition of a majority of the

tax-payers of any township or road district in said county, levy an *ad valorem* tax for road purposes, not exceeding twenty-five cents on each one hundred dollars' worth of both real and personal property subject to taxation in the township or district so petitioning, which said tax shall be in lieu of the road tax authorized and required to be levied, by the second section of this act.

Sec. 4. Any supervisor in said county is hereby authorized to increase the road tax in his district, which may be assessed under the second or third sections of this act, by assessing an additional tax, not exceeding fifty per cent. on the original amount of tax, on the property specified in said sections, in all cases where the condition of the roads may require the same; and it shall be the duty of such supervisor to notify each individual resident tax-payer of his district liable to pay such tax, of such additional assessment, and upon failure to pay such additional tax, the supervisors are hereby authorized to bring suit as in other cases authorized by the act to which this is an amendment; and such supervisor shall return a list of all such additional tax as may remain unpaid, to the county auditor, on the first day of June annually, to be charged on the first succeeding duplicate of taxes against the proper person or property, and shall be collected and disbursed by the county treasurer to the proper supervisor of the district where such tax was assessed: *Provided however*, That any person liable to pay any road tax under the provisions of this act, or the act to which this is an amendment, shall be allowed to work out the same under the direction of the proper supervisor, at the rate of seventy-five cents per day.

Sec. 5. That the county auditor, treasurer, assessor, and supervisors of the county aforesaid, shall be governed by the act to which this is an amendment, in the auditing, assessing, collecting, and disbursing the taxes hereby authorized to be levied, and that the act to which this is an amendment is hereby continued in full force in the county of Wabash, excepting such provisions as conflict with and render void the obvious intent and meaning of this act.

Sec. 6. This act to be in force from and after its passage, and a certified copy hereof filed in the auditor's office of Wabash county; and it is hereby made the duty of the Secretary of State to certify and forward a copy of this act forthwith to the auditor of said county.

CHAPTER CXCVII.

AN ACT regulating the road laws in the county of Monroe.

[APPROVED JANUARY 15, 1850.]

SECTION

1. Supervisors to be allowed pay only when warning hands—County Board may or may not have road surveyed.

SECTION

2. Repealing clause.
3. When to take effect.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That* "an act to revise and consolidate the several acts of the General Assembly, relative to laying out, opening, repairing, changing, and vacating public highways, and to the erection and repair of public bridges, and to amend the same," approved January 16th, 1849, be, and the same is hereby declared to be in force in the county of Monroe, except section ninety-three, and the same is hereby so amended in said county, that supervisors shall only be allowed pay for the time necessarily engaged in warning the hands subject to work on roads and highways, in a prompt and efficient manner; that section 130 be, and the same is hereby so amended in said county, that the board of county commissioners may or may not, at their own option, have their State, county, and private roads surveyed by the county surveyor, either with or without a petition requiring the same.

Sec. 2. That all laws and parts of laws relating to roads, contravening the provisions of this act and the act which this adopts, be, and the same are hereby repealed, as to said county of Monroe.

Sec. 3. This act to be in force from and after its passage and publication in the Indiana Tribune, published in Bloomington.

CHAPTER CXCVIII.

AN ACT to amend an act, entitled "An act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence, and Greene," approved February 1, 1834.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Penalty against supervisors for neglect of duty, how and by whom recovered.

SECTION

2. In actions under this act formal pleadings not required—Proof necessary to a recovery.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That* the fifth section of the above entitled act is hereby so amended that hereafter when any supervisor of any road district in said county of Owen shall wilfully fail, neglect, or refuse to perform any of the duties required of him by said act, or any other law of this State, the penalty named in said fifth section shall be recoverable of any such supervisor for each and every such failure or refusal, in an action of debt before any justice of the peace of said county, by any person or persons who may deem himself or themselves affected, injured, or aggrieved by such failure, neglect, or refusal of any such supervisor.

Sec. 2. In all actions instituted under the provisions of this act no formality shall be required in the pleadings of either of the parties; and it shall be sufficient to authorize a recovery under this act to prove that the defendant, as supervisor of any road district, had wilfully failed, neglected, or refused to discharge any duties enjoined upon him by law, without requiring of the plaintiff to prove any special damages sustained by him in consequence of any such neglect or refusal.

Sec. 3. This act to take effect and be in force from and after its passage; and the same is hereby declared to be a public act.

CHAPTER CXCIX.

AN ACT to amend the Road Law in Jefferson county.

[APPROVED JANUARY 19, 1850.]

SECTION

1. One supervisor to be elected for each township.
2. To take oath and give bond—Conditions of bond—How amenable, and to what penalties.
3. Powers, privileges, and duties of supervisors—Compensation of deputies, and how allowed—Road lists furnished, and by whom.

SECTION

4. Compensation of supervisor, and how allowed.
5. Supervisors to report, and to whom—by whom accounts allowed.
6. Supervisors to pay over money, &c.—Penalty for failure.
7. Townships failing to elect supervisors, how appointed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be elected annually at the April election one supervisor of roads and highways for each township, who shall have the entire control and management of the roads and highways in his township.

Sec. 2. Said supervisor shall, before entering upon the duties of his office, take an oath and give bond with good and sufficient freehold securities that he will faithfully perform his duties as supervisor, and will faithfully distribute and apply all moneys that may come into his hands by virtue of his office; and he shall moreover be amenable to all laws now in force, and subject to like punishment and liabilities as supervisors of roads and highways now are.

Sec. 3. Each supervisor in his respective township shall have all the powers and privileges given to supervisors over districts, and shall call out the hands, not to exceed double the first assessment of taxes, and each hand in the township, under fifty years of age, shall work two days for personal privileges; and the said supervisors in their respective townships shall have power to appoint one or more deputies in each township, for whose faithful discharge of his duties said supervisors shall be responsible, which deputy or deputies shall receive such compensation for his services as the said supervisor shall allow, not exceeding one dollar per day; and it is hereby made the duty of the county auditor to furnish each supervisor with a list of taxes assessed against each individual in his township, and the supervisor shall furnish a list to each deputy, and the hands may work out their taxes as near where they reside as practicable, regardless of districts, and all non-residents' land tax for road purposes shall be paid into the county treasury for the use of the township in which it is situated, and shall be drawn therefrom by the supervisor, a warrant therefor having been issued by the county auditor.

Sec. 4. For each and every day that a supervisor shall be engaged upon the road as supervisor, or about business pertaining to his office, he shall receive therefor one dollar per day, to be paid out of the funds belonging to their respective townships, or out of the county treasury, if there be no funds on hand in said township.

Sec. 5. Each supervisor shall make return of all his proceedings under oath, as such supervisor, to the auditor of the county, who shall audit and allow or dis-allow his account, and shall settle and adjust all accounts of such supervisor.

Sec. 6. Each supervisor shall pay over to his successor in office all moneys in his hands, and shall deliver over all papers and lists of taxes and books, and all implements belonging to his township, and upon failure so to do upon demand, shall be liable to be sued upon his bond with his securities before any court of competent jurisdiction.

Sec. 7. Upon failure of any township to elect a supervisor as herein contemplated, it shall be the duty of the board doing county business to appoint a supervisor at their first meeting after such failure, or sooner if they shall be convened by the auditor for that purpose, and the auditor is hereby empowered to convene the board therefor.

Sec. 8. This act to take effect and be in force from and after its passage.

CHAPTER CC.

AN ACT to amend an act, entitled "*An act to revise and consolidate the several acts of the General Assembly relative to laying out, opening, repairing, changing, and vacating public highways, and the erection and repair of bridges, and to amend the same,*" approved January 17, 1849, so far as relates to Gibson county.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Who supervisors shall warn out and work on highways.
2. Supervisors to report to county board at June term the amount of labor necessary to keep roads in repair—County board may assess road tax not to exceed 15 cents on \$100 value.
3. County auditor to make out road lists for supervisors, and how—To place same on duplicate—Tax to be worked out, or collected by the treasurer—Treasurer to pay over road tax to supervisors, and when.

SECTION

4. When supervisors may make additional assessment of labor.
5. When supervisors may not make report required in 2d section—When no tax is assessed, hands to work an unlimited time.
6. Surveyor, &c., may or may not be employed by viewers—Supervisors, how and when appointed, and vacancies filled.
7. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the several supervisors in the county of Gibson to warn out and work on the public highways in

their respective districts, all able bodied men between twenty-one and fifty years of age therein two days previous to the first day of June in each year: *Provided, however,* That nothing herein contained shall be so construed as to require regularly ordained ministers of the gospel, and other persons who are now, or may hereafter be exempted by law, to perform highway labor under the provisions of this section.

Sec. 2. It shall be the duty of the several supervisors in said county to report to the board of commissioners of said county, at the June term of said board, the amount of labor in their opinion necessary to keep the roads in their respective districts in good repair during the remainder of the year; the board of county commissioners may then assess a tax for road purposes on all real and personal property subject to tax for State and county purposes, sufficient to raise the requisite amount of labor in each district respectively: *Provided,* That the tax for road purposes shall in no district exceed fifteen cents on the one hundred dollars appraised value of real and personal property.

Sec. 3. When a road tax has been assessed in any or all of the road districts in said county, the auditor shall immediately prepare and deliver to each of the supervisors in whose district a tax has been assessed, a list of the names of all the persons charged with any such road tax in their respective districts, and the amount of the same. The auditor shall also carry out said road tax in a separate column on the duplicate of State and county tax; and the tax thus assessed shall be worked out on the highways, or collected and accounted for by the treasurer according to the provisions of sections one hundred and four and one hundred and five of the act to which this is an amendment, amended so as to require the county treasurer to pay over to the several supervisors of road districts all such amounts of road tax as may have been collected by him from their districts respectively, on or before the first Monday of June in each year.

Sec. 4. If the two days' labor, as provided in the first section of this act, and the tax that may be assessed in any district, shall prove insufficient to keep the roads in said district in repair during the year, the supervisor shall have power to call out all the hands in said district liable to work under the first section of this act, and work them a sufficient number of days to put the roads in said district in repair.

Sec. 5. By the instructions of a majority of the men liable to perform highway labor in any district, the supervisor may not make the report required by the second section of this act for the purpose of having a road tax assessed in his district; and if from any cause no such tax shall be assessed in any district, the persons therein liable to perform highway labor shall work any number of days, by the direction of the supervisor, necessary to open and repair all roads legally laid out in said district.

Sec. 6. The fourteenth section of the act to which this is an

amendment be, and the same is so amended as to leave to the discretion of the county board whether a surveyor, chainmen, and markers shall be employed by viewers appointed to view, mark, and lay out county roads; and the seventy-sixth section of said act is hereby repealed, and the seventy-seventh section so amended as to make it the duty of the county commissioners to appoint a sufficient number of supervisors in said county, at the March term of said commissioners; and the auditor of said county shall fill all vacancies that may occur during the vacation of said board of county commissioners.

Sec. 7. The board of commissioners may allow to supervisors seventy-five cents per day for each day they may be actually engaged in the discharge of their duties over and above the number of days they should have worked on roads, according to the first, second, and third sections of this act.

Sec. 8. All laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed, so far as the same relates to Gibson county.

Sec. 9. This act to take effect and be in force from and after its passage.

CHAPTER CCI.

AN ACT to amend the Road Laws in Porter County.

[APPROVED JANUARY 16, 1850.]

| SECTION | SECTION |
|--|----------------------|
| 1. General road law extended to Porter county. | 2. Repealing clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of an act entitled "an act to revise and consolidate the several acts of the General Assembly relative to laying out, opening, repairing, changing, and vacating public highways, and to the erection and repair of bridges, and to amend the same," approved January 16th, 1849, be and the same is hereby extended to Porter county.

Sec. 2. All acts and parts of acts coming in purview of this act be and the same are hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCII.

AN ACT to amend the Road Law so far as Jefferson County is concerned.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Supervisors may contract for materials on adjoining lands and certify the same—to be allowed by county board in lieu of the assessment of damages.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for supervisors of roads, where it is necessary to repair roads to take materials or timber from land adjoining such road, to contract with the owner of the same and to give him a certificate of allowance therefor, which when presented to the board of county commissioners shall authorize the allowance and payment of the same without the trouble and expense of an assessment of damages as is now provided by law.*

This act to take effect and be in force in Jefferson county only, from and after its passage.

CHAPTER CCIII.

AN ACT declaratory of the meaning of the 129th section of the act entitled "An act to revise and consolidate the several acts of the General Assembly in relation to laying out, opening, repairing, changing, and vacating public highways, and to the erection and repairing of bridges, and to amend the same," approved January 16, 1849.

[APPROVED JANUARY 18, 1850.]

SECTION 1. Meaning of 129th section of general road law defined as to Huntington county—acts and proceedings, under the local laws, in said county, legalized.

WHEREAS, Doubts have been entertained in the county of Huntington as to the true construction of the 129th section of the act referred to in the title of this act: Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That nothing in the 129th section of said act was intended to be so construed as to repeal the local laws then in force in the county of Huntington; and all taxes levied and collected and other*

acts and proceedings had and done in pursuance of said local laws within and by the authority of said county be and the same are hereby declared to be legal.

Sec. 2. *This act to be in force from and after its passage.*

CHAPTER CCIV.

AN ACT to provide for electing supervisors by districts in the counties of Boone, Delaware, Huntington, Whitley, Parke, and Posey.

[APPROVED JANUARY 15, 1850.]

| | |
|---|---|
| SECTION | SECTION |
| 1. Supervisors to be elected by the voters of the respective districts. | person for supervisor deemed illegal as to that office. |
| 2. Tickets having the name of more than one | 3. Repealing clause. |
| | 4. When in force. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter at the annual election in April it shall not be lawful for any voter of Boone, Delaware, Huntington, Whitley, Parke, or Posey counties to vote for more than one supervisor of roads in his township, nor for any person who shall not be a resident of the road district in which such voter shall reside.*

Sec. 2. *If upon counting out the votes at any of the polls in said counties any ticket shall be found with the name of more than one person voted for for supervisor it shall be deemed an illegal vote so far as relates to supervisors, and shall not be counted to any of the persons voted for for that office.*

Sec. 3. *All laws and parts of laws conflicting with the provisions of this act are hereby repealed.*

Sec. 4. *This act shall take effect from and after its passage and publication in a public newspaper, and a copy thereof filed in the clerk's office of the counties named in the first section of this act.*

CHAPTER CCV.

AN ACT *amending an act therein named.*

[APPROVED JANUARY 2, 1850.]

SECTION 1. The county board of Tippecanoe county to cause certain roads to be surveyed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That section one hundred and thirty of an act entitled "an act to revise and consolidate the several acts of the General Assembly relative to laying out, opening, repairing, changing, and vacating public highways, and to the erection and repair of bridges, and to amend the same," approved January 16, 1849, be and the same is hereby so amended as to include the county of Tippecanoe in said section.*

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCVI.

AN ACT *to regulate the per diem allowance for work done on the public highways in the county of Adams and other counties therein named.*

[APPROVED JANUARY 17, 1850.]

SECTION

1. Per diem allowance for work on roads.
2. Penalty against supervisors for violation of this act.

SECTION

3. When in force.
4. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the following shall be the per diem allowance for work done on the public highways in the counties of Adams, Shelby, and Parke, and no more, to-wit: for all work done before the first day of June in each year, one dollar; after the first day of June and before the first day of July, eighty-seven and one-half cents per day; after the first day of July and before the first day of August, seventy-five cents per day; after the first day of August and before the first day of September, sixty-two and one-half cents per day; after the first day of September and before the first day of October, fifty cents per day.*

Sec. 2. If any supervisor shall violate the spirit and meaning of

this act by allowing a greater sum than herein contemplated, he shall be liable to a fine not less than three times the amount he fraudulently allowed.

Sec. 3. This act to be in force from and after its passage.

Sec. 4. All laws contravening the provisions of this act are hereby repealed.

CHAPTER CCVII.

AN ACT *to repeal a certain act therein named, so far as relates to the county of Perry.*

[APPROVED JANUARY 19, 1850.]

SECTION 1. A certain act repealed as to Perry county—persons not released from liability or penalty under laws now in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to provide for the opening and repairing roads and highways and streams, in the counties of Bartholomew, Putnam, Owen, Henry, and Perry," approved January 31, 1843, be and the same is hereby repealed, so far as relates to Perry county: Provided, That nothing herein shall be so construed as to release any person from any liability or penalty, now incurred under the laws now in force in said county.*

Sec. 2. This act to be in force from and after its publication in the Indiana State Journal and Sentinel.

CHAPTER CCVIII.

AN ACT *to repeal a proviso to an act therein named.*

[APPROVED JANUARY 19, 1850.]

SECTION 1. The 2d proviso of section 123 of the general road law repealed—an act to increase road tax in Cass county repealed.

Section 1. *Be it enacted by the General Assembly of the State of In-*

diana, That the second proviso to the one hundred and twenty-third section of "an act to revise and consolidate the several acts of the General Assembly relative to laying out, opening, repairing, changing, and vacating public highways, and the erection and repair of bridges, and to amend the same," approved January 16, 1849, exempting the county of Cass from the provisions of said section, be and the same is hereby repealed; and also that an act entitled "an act to authorize the county commissioners of the county of Cass to increase the road tax in said county," approved January 17, 1849, be and the same is hereby repealed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCIX.

AN ACT to amend an act entitled an act requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes, approved January 26th, 1847.

[APPROVED DECEMBER 24, 1849.]

SECTION 1. Supervisors to make report to county board at June term.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it be and is hereby made the duty of the supervisors of roads in the several road districts in said county of Sullivan, to make their returns at the June term of the commissioners' court, instead of the March term of said court, as provided for in the above named act.

Sec. 2. This act to take effect from and after its passage.

CHAPTER CCX.

AN ACT to amend the 43d section of the Revised Road Law of 1849.

[APPROVED JANUARY 16, 1850.]

SECTION 1. Certain words declared a misprint.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the words "and opening," found in the last line of section forty-three of the revised road law of 1849, be and the same is hereby declared a misprint, and consequently stricken out.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXI.

AN ACT for the better improvement of highways.

[APPROVED JANUARY 12, 1850.]

SECTION

1. Who liable to work on highways—time required to work.
2. Employment of surveyor, &c., discretionary with viewers.
3. Surveying of certain roads discretionary with county board.
4. When supervisors not required to give

SECTION

- bond—when and how additional assessment of labor made.
5. In Johnson county, road tax on real and personal estate not to be dispensed with.
6. Repealing clause.
7. When in force.
8. Local laws not repealed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That each male inhabitant between the ages of twenty-one and fifty years, shall work on the public highways within his district two days in each year, unless excepted therefrom by law, or by virtue of the act to which this is an amendment.

Sec. 2. That section 14 of said act shall be so construed as to leave the employment of surveyor and chain carrier discretionary with the viewers named in said act.

Sec. 3. That section 130, of said act shall be so construed as to leave the survey of roads in said section named, discretionary with the Board of County Commissioners.

Sec. 4. That in the county of Boone, supervisors shall not be required to give bond and security, on receiving the road tax of the County Treasurer, when the amount is less than five dollars; and when the labor and road tax assessed on the inhabitants and property of any district, shall be insufficient to keep the highways

within the same in repair, the supervisor of the proper district in said county shall make another assessment of labor upon the inhabitants of his respective district, in proportion to the regular amount of labor and tax assessed upon each for the current year, not to exceed two days.

Sec. 5. That the Board of Commissioners of the county of Johnson shall not be at liberty to dispense with a road tax on real and personal property, but the same shall be annually levied under the restrictions of the act to which this is an amendment.

Sec. 6. That all acts or parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Sec. 7. This act to be in force from and after its passage, and the same shall be published in the Sentinel and Journal.

Sec. 8. Nothing in this act shall be so construed as to repeal the local laws upon this subject, now in force.

CHAPTER CCXII.

AN ACT to prevent frauds upon the revenue.

[APPROVED JANUARY 16, 1850.]

SECTION

1. Supervisors not to work out road tax for other persons—not to give receipts for work unless done prior to 1st of Octo-

SECTION

ber—not to give orders for work on roads until the same is completed.
2. Penalty for violation of this act.
3. When and where in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, it shall not be lawful for any supervisor of roads and highways, either by himself, agent, or attorney, directly or indirectly, to work out any tax, or any part thereof, which is now, or may hereafter be assessed for road purposes, against the person or property of any person or persons, corporation or corporations, other than that which may be assessed against the person or property of said supervisor, or which he may at the time said work may be done have a lien upon, nor shall it be lawful for any such supervisor to give any receipt or certificate, or other evidence in writing, for any work or labor done on the roads in his district, unless the same shall have been done prior to the first day of October in each year, nor shall it be lawful for any supervisor to give an order or orders, draft or drafts on the township treasurer of his township, for road moneys belonging to his district until the work for which said order or orders, draft or drafts may be given, shall

have been done, or the job completed and accepted by said supervisor.

Sec. 2. Any supervisor offending against any of the provisions of this act shall for every such offence, forfeit and pay a fine not exceeding fifty dollars, to be recovered by presentment or indictment in the circuit court.

Sec. 3. This act to take effect and be in force in the counties of Dekalb, Allen, and Steuben only, from and after its passage.

CHAPTER CCXIII.

AN ACT to amend an act entitled, "*An act to compel speculators to pay a road tax equal to that paid by actual settlers, and for other purposes in the county of Tipton*," approved, January 16, 1849.

[APPROVED JANUARY 21, 1850.]

SECTION 1. County Clerk authorized to approve the bond of Supervisors.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of said act be so amended as to authorize the County Clerk of said county, (acting as Auditor) to take and approve bonds of supervisors instead of the Board of Commissioners of said county.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXIV.

AN ACT to compel speculators to pay a tax equal to that paid by actual settlers in the county of Noble.

[APPROVED JANUARY 4, 1850.]

| SECTION | SECTION |
|---|--|
| 1. Road-tax to be assessed—may be worked out—money collected, when paid. | 9. Who to work roads and the time required to work—penalty for default. |
| 2. Money belonging to townships, to whom and when paid. | 10. Supervisors to report to township treasurers—manner of making reports—to pay over funds to successor—allowance of supervisor. |
| 3. County auditor to certify to the township clerk the amount paid—certificate to be recorded. | 11. Supervisors not to work road-tax for other persons—not to give orders on the treasury in advance—not to give receipt before the work is done, or for work unless done before the first of October. |
| 4. County auditor to furnish township treasurers a list of road-tax assessed and paid. | 12. Supervisors to be indicted or fined for offending against the provisions of certain sections. |
| 5. Township treasurer to certify the amount to supervisors. | 13. County treasurers not allowed per centage on receipts or certificates. |
| 6. Supervisors, how expend money. | 14. Repealing clause. |
| 7. Work to be let to the lowest bidder. | 15. When to take effect. |
| 8. County auditor to make out a list of taxable lands and lots for township clerks—township clerks to make out for supervisors. | |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be assessed and collected in the county of Noble, for the purpose of repairing, constructing, and making roads in said county, the sum of two cents on each and every acre of land lying and being within the limits of said county, subject to taxation and on town lots with the improvements thereon, which are subject to taxation, the sum of fifteen cents on every one hundred dollars valuation thereof, except in the township of Perry, in said county, in which township there shall be assessed and collected for the purpose aforesaid, the sum of one cent on each and every acre of land lying and being in said township subject to taxation, and on town lots with the improvements thereon, in said township of Perry, which are subject to taxation, the sum of twenty cents on each and every one hundred dollars valuation thereof, which shall be in lieu of all taxes on both real and personal property for road purposes in said county, the same to be assessed and collected as the taxes are assessed and collected for State and county purposes; *Provided*, That the same may be worked out under the direction of the supervisor of the road district in which the tax is laid, at the rate of eighty cents per day, previous to the first day of October, in each year, and the supervisor's receipt or certificate therefor, shall be received by the treasurer of said county, in discharge of said tax, or so much thereof, as shall have been worked out in the manner and time aforesaid, and the money arising from and under this act, when collected, shall be paid into the county treasury of said county, for the use of the respective road districts, in said county, from which said money may be collected.

Sec. 2. That so much of the road-tax that may be paid into the county treasury of said county, as belongs to each township, shall be paid to the township treasurers of said township, respectively on or before the first Monday of July, in each year, on an order drawn by the county auditor.

Sec. 3. At the time the county treasurer makes such payment, the county auditor shall certify to the township clerk, the amount so paid by the county treasurer to the township treasurer, and it shall be the duty of said township clerk to record said certificate in the record book of the proceedings of the township trustees which shall stand as a charge against said township treasurer.

Sec. 4. The county auditor shall, on or before the the first Monday in June, in each year, furnish each of said township treasurers a list and statement of land and town lots upon which taxes have been paid and the amount paid upon each tract or lot.

Sec. 5. The township treasurer shall, so soon as he shall have received the road-tax or any part thereof, of his township, certify to each supervisor, the amount in his hands belonging to said supervisor's district.

Sec. 6. The supervisor shall, upon receiving the certificate of the township treasurer, proceed to expend the moneys belonging to his district, as now provided by law, and give an order or draft upon the township treasurer, for the amount of labor done by order of said supervisor, which order shall be redeemed by said treasurer to the amount of moneys in his hands belonging to said district.

Sec. 7. Whenever there shall be in the hands of any township treasurer, the sum of four dollars or upwards, subject to the order of any supervisor, for the use of roads in his district, he shall give ten days' public notice of the time and place by advertisements posted in three of the most public places in his district and an additional notice posted up at the usual place of holding elections in said township, that he will let to the lowest bidder, road work to the amount of funds in the hands of the treasurer aforesaid and the said supervisor shall thereupon, let out to the lowest responsible bidder, such of the road work in his district, as he shall think most advantageous to the public interest.

Sec. 8. It shall be the duty of the county auditor, on or before the first Monday of March, in each year, to make out and furnish each township clerk with a list of all town lots and lands subject to taxation with the amount of road-tax thereon, as shall appear by the duplicate of the preceding year, and the said township clerk shall, on or before the first Monday of May, in each year, make out and deliver to each supervisor in his township, a like list of his district.

Sec. 9. And in addition to the said road-tax, as specified in section first of this act, all male inhabitants in said county, between the ages of twenty-one and fifty years, (persons exempt by law or excused by the board doing county business excepted,) shall work only one day on the road in each year, under the directions of their

respective supervisors, and in default thereof, shall pay the sum of eighty cents respectively, which shall be collected by the supervisors in said county, according to the law now in force.

Sec. 10. The supervisor shall keep an account of the work done by each person, and the amount of money collected by him or coming to his hands and of the source from whence the same was derived, and also an account of his disbursements and of the objects and purposes for which said disbursements were made, and shall file a statement thereof, verified by his oath or affirmation, with the township trustees together with a list of the names of all persons in his district liable to perform highway labor on or before the first Monday in June next, after the expiration of his term of office, and shall, at the same time, pay to his successor in office, all road moneys remaining in his hands and make settlement with said trustees, and said trustees are hereby authorized, upon such settlement, to allow said supervisor any sum they think reasonable, not exceeding seventy-five cents per day, for every day he may have been faithfully and diligently engaged in transacting the business of his district, after deducting his own liabilities which shall be paid out of any moneys in the said township treasury, not otherwise appropriated.

Sec. 11. It shall not be lawful for any supervisor in said county of Noble, to work out either by himself, or agent directly or indirectly, any tax by this act authorized to be assessed, except that charged against himself or his property, or against property on which he may at the time, have a lien, nor shall it be lawful for any supervisor to give a receipt or certificate for work before said work shall have been absolutely done, nor shall it be lawful for any supervisor to give an order or orders, draft or drafts, on the township treasurer, for road money, until the work for which said order or orders, draft or drafts, shall be given, shall have been completed, nor shall it be lawful for any supervisor to give a receipt or certificate for work done under the provisions of the first section of this act, which work shall not have been done on or before the first day of October in each year.

Sec. 12. Any supervisor offending against any of the provisions of sections ten or eleven of this act, shall, upon conviction thereof, by presentment or indictment, in the circuit court, be fined in any sum not exceeding one hundred dollars.

Sec. 13. The county treasurer shall not be allowed any commission or per centage on road-tax receipts, or certificates received by him as contemplated in the first section of this act.

Sec. 14. All laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed, so far as the county of Noble is concerned.

Sec. 15. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a duly certified copy of this act, to the auditor of Noble county.

CHAPTER CCXV.

AN ACT defining the duties of the treasurer of Madison county, as to road tax.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Owners of land, when and at what rate to work out road tax.

SECTION

2. Road tax, in what case to be refunded—repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That owners of land in Madison county may work out their road tax at the rate of one dollar per day, at any time between the first day of June and first day of May next ensuing.

Sec. 2. Should any of the owners of lands in Madison county pay to the treasurer of Madison county the amount of their road tax in cash before they have worked the same out, if at any time before the first day of May next succeeding the payment of said tax, any of said owners of land shall present their road tax receipt under the hand of the supervisor of the proper road district, the said treasurer shall refund in money to said land owner the amount of his road receipt, so paid, and section No. 70, of article 4, of chapter 7, of the Revised Statutes of 1843, be and the same is hereby repealed, so far as the same refers to the county of Madison.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXVI.

AN ACT to amend an act entitled "an act to compel speculators to pay a tax equal to that paid by actual settlers in the county of Noble."

[APPROVED JANUARY 21, 1850.]

SECTION 1. Assessment in Perry township on town lots to be only ten cents on the hundred dollars.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "an act to compel speculators to pay a tax equal to that paid by actual settlers in the county of Noble," approved January 4, A.D. 1850, be so amended that in the township of Perry in said county, there shall be assessed and collected,

as in said act provided, on town-lots with the improvements thereon subject to taxation, the sum of ten cents only on the one hundred dollars' valuation thereof, instead of twenty cents, as in said act to which this is an amendment is provided, anything in said act to the contrary notwithstanding.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXVII.

AN ACT to distribute a surplus road tax in Jefferson county.

[APPROVED JANUARY 21, 1850.]

SECTION 1. County board to distribute for road purposes.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the surplus and unappropriated road tax which has or may hereafter accumulate in the office of the treasurer of Jefferson county, be distributed in such way and manner as the board of county commissioners of said county may direct: *Provided*, That the same shall be applied to the making, improving, and repairing of roads and highways in said county.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXVIII.

AN ACT to compel speculators to pay a tax equal to that paid by actual settlers, in the county of Lagrange.

[APPROVED JANUARY 21, 1850.]

SECTION.

1. Road tax, rate of and manner of assessment—may be worked out and at what rate—supervisors to receipt—money collected and where to be paid.
2. Act extended to Lagrange county.

SECTION

3. County board to make allowance to county auditor.
4. Repealing clause.
5. When to take effect.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be assessed and collected in the county of Lagrange, for the purpose of repairing, constructing, and making roads in said county, the sum of one cent on each and every acre of land lying and being within the limits of said county subject to taxation, and on town lots with the improvements thereon which are subject to taxation, the sum of ten cents on every one hundred dollars' valuation thereof, which shall be in lieu of all taxes in said county for road purposes, unless the same is petitioned for as is provided for by an act in relation to the highway tax of the county of Lagrange, approved January 13, 1849, the same to be assessed and collected as other taxes are assessed and collected for State and county purposes: *Provided*, That the same may be worked out under the direction of the supervisor of the road district in which the tax was laid at the rate of eighty cents per day previous to the first day of October in each year, and the supervisor's receipt or certificate therefor shall be received by the county treasurer of said county, in discharge of said tax, or so much thereof as shall have been worked out in the manner aforesaid, and the money arising from and under this act, when collected, shall be paid into the treasury of said county for the use of the respective road districts in said county from which said money may be collected.

Sec. 2. That the provisions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the act to compel speculators to pay a tax equal to that paid by actual settlers in the county of Noble, approved January 4th, 1850, be and the same are hereby extended to the county of Lagrange.

Sec. 3. The county commissioners of the county of Lagrange are hereby authorized to make an allowance to be paid out of the county treasury to the county auditor, for the services imposed on him by the provisions of this act in addition to the fees already allowed by law: *Provided*, That said allowance shall not exceed the sum of twenty-five dollars per annum.

Sec. 4. All laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed, so far as relates to the county of Lagrange.

Sec. 5. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a duly certified copy of this act to the auditor of the county of Lagrange.

CHAPTER CCXIX.

AN ACT to secure the more prompt payment of Road Tax.

[APPROVED JANUARY 21, 1850.]

SECTION 1. No property exempt from execution for a road tax

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter no law or laws of the State exempting property from execution shall be so construed as to exempt any property from execution for road tax purposes.*

Sec. 2. This act shall take effect and be in force from and after passage.

CHAPTER CCXX.

AN ACT authorizing the county commissioners of the county of Pike to levy a road tax so far as relates to the county of Pike.

[APPROVED JANUARY 15, 1850.]

SECTION

1. Who and the time required to work roads.
2. Road tax assessed.
3. County auditor to put road tax on duplicate, and furnish road lists to supervisors—districts exempt from road tax upon petition.
4. Supervisors to call out persons to work—rate per day, and at what time to work.
5. Supervisors—time and manner of making return—tax to be collected.
6. Money collected to belong to road districts—How to be drawn from the treasury, and how expended.
7. Supervisors to notify persons to work, and to designate the tools—Penalty for refusing to work—No property exempt

SECTION

- from execution for road tax—Compensation of supervisors.
8. Non-residents may work out tax.
9. Allowance for teams and implements.
10. Supervisors to give certificate—To be received in payment of road tax.
11. County auditor to keep a book, and how to keep accounts—To give an order on the treasury for amount due road district—Penalty for neglect of supervisors.
12. Suits may be brought by supervisors against persons who refuse to work—Witnesses and costs.
13. Repealing clause.
14. Secretary of State to have extra copies printed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That all male white citizens of the county of Pike, between*

the ages of twenty-one and fifty years, shall work two days in each year on roads and highways therein.

Sec. 2. The board of commissioners in said county shall annually at their June session assess a road tax of not less than five cents nor more than fifteen cents on each one hundred dollars' valuation of real and personal property.

Sec. 3. The taxes so assessed shall be made out on the duplicate of taxes, and the auditor of said county shall deliver to each of the supervisors of the several road districts in said county a certified copy of the amount of taxes so assessed against the real and personal property of each person liable to do work in his district or any other person owning property in said district: *Provided, That* a majority of any road district petitioning the board of county commissioners shall be exempt from said taxation in said district.

Sec. 4. The supervisors of the several road districts in said county shall call upon the person so assessed and liable to do work in their districts, also all others to work out the amount so assessed at the rate of seventy-five cents per day by the twenty-fifth day of October in each year.

Sec. 5. The supervisors of the several road districts in said county shall, each, annually by the tenth day of November in each year, make return to the treasurer of his county of the several amounts of said tax that remain unpaid in his district, which amounts shall be collected by said treasurer as other taxes are collected.

Sec. 6. All moneys collected for road purposes shall belong to the road district within the bounds of which they may be assessed and collected, and shall be drawn from the county treasurer by the supervisors of the several road districts, on the warrant or order of the auditor of said county, and shall be expended in repairing the roads and bridges in said districts, and for the purchase of the necessary tools wherewith to work the roads therein.

Sec. 7. It shall be the duty of each supervisor of road districts in said county to give each person liable to do work in his district three days' previous notice of the time, or day, on which he intends to work on the roads; and every person so warned to appear and work with such tool or tools, as the supervisor shall designate, if he shall have them or it, whoever shall refuse to appear and work shall forfeit and pay for the use of the district in which he resides the sum of one dollar for each day he so refuses to appear and work, to be recovered by action of debt before any justice of the peace residing in the township wherein such district shall be, in the name of the supervisor of said district for the use of said district, and no amount of property or properties of any kind shall be exempt from execution on any execution issued on any such judgment obtained before any justice, for failure to work on the roads when legally warned so to do: *Provided, That* the commissioners shall allow to each supervisor such sums for their services as shall seem just and right not exceeding the amount now provided by law.

Sec. 8. Non-residents of any road districts in said county may, on application to the supervisor of any road district wherein his property may be taxed, have the privilege of working out the amount of such tax in said district at the rate of seventy-five cents per day.

Sec. 9. The supervisors of road districts in said county shall allow one day's work to each person furnishing a yoke of oxen; and two days' work for a yoke of oxen, plow, and wagon; one and a half day's work for a yoke of oxen and a plow, or a yoke of oxen and a wagon; and for each span of horses [and harness, two days'; for a span of horses.] harness, plow, and wagon, three days'; or two and a half days' for a span of horses, harness, and plow or wagon.

Sec. 10. It shall be the duty of the several supervisors of the several road districts in said county to give to each person, as soon as he shall have worked out his road tax, a certificate, certifying therein that the said person therein named has worked out the road taxes assessed against him in his district in full, which certificate shall be received by the treasurer of said county in payment of the road taxes assessed against said person on his duplicate.

Sec. 11. It shall be the duty of the county auditor of said county to keep, in a book to be provided by him for that purpose, a separate account with each road district in his county, and on settlement with the county treasurer of his county, in each year, to place the amount of taxes collected by said treasurer for the several districts, to the credit of said district, and immediately draw and deliver to the supervisor of the district an order on the county treasurer of his county for the amount due said district: *Provided*, That any supervisor receiving such amount due his district fails or neglects to apply the same in his district, he shall forfeit and pay, for the use of said district, double the amount so misapplied, which shall be recovered in an action of debt before any justice of the peace, upon complaint of any person living in said district, which amount shall be collected as other debts are collected: said supervisor shall not have any benefit from the appraisalment or valuation laws.

Sec. 12. Suits shall be brought by any supervisor of road districts within said county against any person who shall refuse to work out his tax on the road in his district, within sixty days after such refusal and not afterwards, unless such person so refusing absconds or so conceals himself that process cannot be served upon him, in such case suit may be brought as soon as service of process can reasonably be obtained after said sixty days; and the said several supervisors shall be competent witnesses in any suit brought by them for any refusal to work on the roads in the several districts; but in no case shall they be liable for costs of suit in any [such] case, unless it shall appear evidently that said suit was brought to vex and harass such person, then such supervisor shall be liable for costs out of his own purse, and not out of the road funds in his hands.

Sec. 13. All laws and parts of laws contravening the provisions of this act so far as relates to the county of Pike be and the same are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of the State to cause the State Printer to print in pamphlet form one hundred copies of this act and forward them, with the general and local laws, to the said county of Pike, which shall be distributed by the county auditor to the several supervisors in said county.

CHAPTER CCXXI.

AN ACT to compel speculators to pay their due proportion of road tax in the county of Miami.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Road tax, rate of assessment.
2. May be increased.
3. When and how county board may assess tax, and at what rate.
4. Tax in lieu of all road tax.
5. May work out tax, at what rate and time.
6. Auditor to make out a road list, and at what time.

SECTION

7. Supervisors to call out hands—time required to work.
8. Officers to be governed by the general road law.
9. Repealing clause.
10. When to take effect—Secretary to forward copy.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be assessed and collected for the purpose of constructing and repairing roads in said county of Miami, the sum of one and one-fourth cents on each and every acre of land lying [and being] within the limits of said county, subject to taxation.

Sec. 2. The board of commissioners of said county may in their discretion, or upon a petition of a majority of the voters of any road district or township in said county, increase the said tax to two and one-half cents on each and every acre of land in any road district or township, or the entire county.

Sec. 3. The said board of commissioners shall, at their June term annually, assess a tax of not exceeding twenty-five cents on each one hundred dollars' valuation of personal property owned by persons whose property is not otherwise taxed for road purposes, and shall also assess a tax of not exceeding twenty-five cents on each one hundred dollars valuation on all town lots and the improvements thereon, liable to taxation, for road purposes.

ment with the board of trustees in their respective townships, at their March session.

Sec. 5. That it shall be left discretionary with the board of commissioners in said county, to say whether the treasurer shall visit the several townships in said county, for the purpose of receiving taxes, as is now required by law.

Sec. 6. All laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed; and this act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a copy of this act to the clerk of the Circuit Court of said county, against the 25th day of February, 1850.

CHAPTER CCXXIII.

AN ACT to revive an act approved January 13, 1845, to compel speculators to pay a road tax equal to that paid by actual settlers.

[APPROVED JANUARY 2, 1850.]

SECTION 1. An act revived.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "an act compelling speculators to pay a road tax equal to that of actual settlers, in Randolph county," approved January 13, 1845, be, and the same is hereby revived.

This act to take effect and be in force from and after its passage.

CHAPTER CCXXIV.

AN ACT to compel non-resident land owners to pay a road tax equal to that paid by resident proprietors.

[APPROVED DECEMBER 20, 1849.]

SECTION

1. Amount assessed for road purposes—may be dispensed with upon petition.
2. Who liable to work roads, and time re-

SECTION

- quired—penalty for default—may work out tax
3. County board to assess, and at what time.
4. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That in the county of Elkhart there shall be assessed and collected, for the purpose of repairing, constructing, and making roads in said county, the sum of one and a half cents on each and every acre of land lying and being within the limits of said county, subject to taxation; and on town lots with the improvements thereon, which are subject to taxation, the sum of fifteen cents on each and every one hundred dollars valuation thereof; which shall be in lieu of all taxes on real property, for road purposes in said county, the same to be assessed and collected as other taxes are assessed and collected, for State and county purposes: *Provided,* That the county board of said county may, at their March session, on petition of a majority of the legal voters of any township or road district in said county, dispense with the said tax, or any part thereof, in which case the said board of commissioners may assess as a road tax in any such township or district, on all personal and real estate therein, subject to taxation, a sum not exceeding fifteen cents on the one hundred dollars' value thereof, or they may in their discretion dispense with any road tax on real and personal property, in any such township or district.

Sec. 2. That in addition to the road tax specified in section first, all male inhabitants between the ages of twenty-one and fifty years, persons exempt by law or excused by the boards doing county business excepted, shall work two days in each and every year, on the public roads, under the direction of the supervisors of their respective districts, and in default thereof shall pay seventy-five cents for each day he shall neglect or refuse to work, which shall be collected and applied agreeably to the provisions of the road laws: *Provided,* That all persons assessed with a road tax be permitted to work out the same at the rate of eighty cents per day.

Sec. 3. That section one hundred and twenty-three, of chapter one hundred and nine, of the acts of 1849, be, and the same is hereby so amended to be in force in Elkhart county, that the board of commissioners of said county may also at their June session assess the specific tax therein mentioned on the proper petition there-

for; said board may also receive such petition at any session, and act thereon at their March or June session.

Sec. 4. All acts and parts of acts coming within the purview of this act, be and the same are hereby repealed, so far as Elkhart county is concerned, and this act to be in force from and after its passage and publication in the Goshen Democrat, and that section one hundred and twenty-nine of said chapter is hereby amended by inserting therein at the end of said section the words "and Elkhart county."

CHAPTER CCXXV.

AN ACT to appropriate part of the school funds in the county of Warren.

[APPROVED, JANUARY, 15, 1850.]

- SECTION
1. Trustees authorized to appropriate moneys to discharge contracts—Proviso.
 2. Trustees to make annual assessments, — how appropriated.

- SECTION
3. Restrictions under which to draw money.
 4. How appropriated when collected.
 5. Repealing clause.

WHEREAS, previous to the election in August, eighteen hundred and forty nine, by which the act entitled, "An act to increase and extend the benefits of common schools," approved, January 10, A. D., 1849, became in force in the county of Warren, several of the school district trustees, to said county, had voted for raising a tax to build school houses in their respective districts, that the trustees of these districts had upon the faith of such assessment made contracts for the erection of such school houses, and that the act aforesaid having come in force by the vote of the people of said county, which conflict with the former laws and which are thereby repealed, by means whereof said trustees are personally liable under their contract, as said tax ordered to be paid cannot now under the present law be collected. Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said district trustees in the county of Warren, who assessed a tax to build a school house in their districts and were not able to collect the same are hereby authorized to appropriate so much of the said moneys received by said district trustees, under the said act voted for as aforesaid, as will be sufficient to discharge said contracts so entered into by said trustees as afore-

said; *Provided, however,* that no more of said moneys be appropriated than said tax would have amounted to, provided it would have been collected, to be determined by the county auditor of the county of Warren.

Sec. 2. The said district trustees shall make assessments from year to year under the said act, upon the citizens within said districts until they raise money enough to refund said moneys to the school fund of said districts, and which shall be appropriated to the support of common schools within said districts.

Sec. 3. That before the county auditor shall draw on the county treasurer of said county, for said moneys to build said school houses as authorized by the first section of this act, the said trustees shall prove by the affidavits of disinterested witnesses to the satisfaction of the county auditor, that the said trustees had made a contract to build a school house in said district with some person under such circumstances as would make them personally responsible to pay the debt, and that the work is done agreeable to the contract, and said affidavits shall be filed with the county auditor.

Sec. 4. That when said assessments are collected, equal to the amount of said school money so appropriated to build school houses as aforesaid, the county auditor shall from time to time, as said moneys are paid in, appropriate them for the use of common schools in said districts, and shall at the proper time draw on the county treasurer in favour of said school districts, who shall appropriate the same for the use of common schools in said districts.

Sec. 5. All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

Sec. 6. This act shall be in force from and after its passage.

CHAPTER CCXXVI.

AN ACT to revive and amend an act entitled, "An act to authorize the election of a School Commissioner in township nine, range one west, in Franklin county."

[APPROVED DECEMBER 24, 1849.]

- SECTION
1. Certain act revived.
 2. County treasurer to pay over moneys to School Commissioner.

- SECTION
3. This act extended to township 8, range 1 west, in said county—commissioner, when and how elected—his duties.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act to authorize the election of

a School Commissioner in township nine, range one west, in Franklin county," approved, January 13, 1844, be and the same is hereby revived.

Sec. 2. It shall be the duty of the county treasurer to pay over all the school moneys collected off of the inhabitants of said township, or off of property situate in said township, to said commissioner.

Sec. 3. The provisions of this act are hereby extended to township eight, range one west, in said county, and the qualified voters of said township, shall elect on the first Monday in April next, a commissioner as provided in the act hereby revived and amended and he shall be required to give the same bonds, to do the same duties, and entitled to receive from the county treasurer and auditor, all moneys and papers belonging to, or hereafter to become due to the inhabitants of said township.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXXVII.

AN ACT defining the duties of the Treasurer of Dearborn county and other counties therein named, and other officers in relation to the Common School fund of said counties.

[APPROVED JANUARY 19, 1850.]

SECTION

1. The assessment, collection and distribution of school tax for 1849, in certain counties legalized—treasurers authorized to collect balances due, and distribute the same.

SECTION

2. Organized or unorganized districts entitled to distributive share at first distribution thereof.

WHEREAS, the Boards of Commissioners of the counties of Dearborn, Henry, Clinton, and Switzerland, have levied for the year eighteen hundred and forty nine, the several taxes authorized to be collected by an act entitled, "An act to increase and extend the benefit of common schools," approved, January, 17, 1849; AND WHEREAS, it is believed by many citizens of said counties, that said tax was assessed one year sooner than is contemplated or authorized by said law; AND WHEREAS, a large amount of said tax has been already collected by the Treasurers of said counties, and the citizens of said counties having adopted the law by a majority of votes and are anxious to have it enforced without unnecessary delay, Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so far as the counties of Dearborn, Henry, Clinton, and Switzerland are concerned, the said act entitled, "An act to increase and extend the benefits of Common Schools," approved, January 17, 1849, shall be taken and construed to authorize the assessment, collection, and distribution of said school tax for the year eighteen hundred and forty nine; that the treasurers of said counties are hereby authorized to collect the balance of the tax on their duplicates not yet collected and distributed, the same as is now provided by law for such distribution.

Sec. 2. The several school districts in said counties shall be entitled to their distributive shares of the several funds applicable to school purposes, at the first annual distribution of said funds, whether they may have organized and elected their officers according to [the requirements of said] law or not.

Sec. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCXXVIII.

AN ACT declaring an act entitled "An act to increase and extend the benefits of Common Schools," approved, January 17, 1849, to be in force in certain counties, and for other purposes.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Act in force in certain counties.
2. Proceedings of judges of election and other officers, legalized.

SECTION

3. School tax for 1849, and acts of auditors legalized.

WHEREAS, the General Assembly of the State of Indiana, at the thirty-third session passed a certain act entitled, "An act to increase and extend the benefits of Common Schools," approved, January 17, 1849, which act was to be in force in the different counties in this State, only in the event of a majority of the voters in the several counties voting in favor of the same; AND WHEREAS, the hereinafter named counties at the last August election voted in favor of said act; AND WHEREAS, in some of the hereinafter named counties, a tax for school purposes has been assessed and levied for the year 1849, Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled, "An act to increase and extend the

benefits of common schools," approved, January 17, 1849, be and the same hereby is declared in full force in the several counties of Clarke, Wayne, Allen, Jefferson, Randolph, Shelby, Vigo, Clinton, Fountain, Posey, Warren, Miami, Wabash, Dearborn, Perry, Elkhart, Grant, Bartholomew, Floyd, Vermillion, Kosciusko, Vanderburgh, Gibson, Jay, Noble, Ripley, Crawford, Union, Steuben, DeKalb, Adams, Wells, Laporte, Tippecanoe, Jennings, Warrick, Spencer, Knox, Ohio, Henry, Fayette, Lake, Porter, Carroll, Jackson, St. Joseph, Switzerland, Jasper, White, Benton, Pulaski, Whitley, Huntington, Lagrange, and also in such other counties, (if any there be) as at the last August election gave a majority of votes in favor of said act.

Sec. 2. The proceedings of the judges of election, and all other officers in taking the votes in the above named counties, and making returns of the same, and all proceedings of county auditors, county treasurers, township and district officers, and the election and appointment of such township and district officers under said law, are hereby legalized.

Sec. 3. Any tax for school purposes, that has been assessed and placed on the duplicates for the year 1849, of any of the above named counties, is hereby declared to be a valid tax, and the acts of the several county auditors in placing the same on their several duplicates, are hereby legalized, and it is made the duty of the several county treasurers to collect and account for said taxes as other taxes are collected and accounted for; *Provided*, That nothing in this act contained, shall be so construed as to affect, or in any manner disturb the distribution of the school moneys under the school laws, heretofore in force in any of the aforesaid counties, where a school tax was not levied for the year 1849.

Sec. 4. This act shall be in force from and after its passage.

CHAPTER CCXXIX.

AN ACT to authorize the clerk of the circuit court of Carroll county to sell certain lots therein named.

[APPROVED, JANUARY 18, 1850.]

SECTION

1. Clerk authorized to sell forfeited lots in Delphi.
2. To lay off lots—notice of sale, how given.

SECTION

3. Sale, how governed.
4. When in force—Secretary of State to furnish certified copy.

he is hereby authorized to sell and dispose of out-lot No. 8 and in-lot No. 39, of the lots in the town plat of Delphi, for the best possible price that can be obtained, which was forfeited to the school fund for the non-payment of interest and principal, and bought in by said clerk.

Sec. 2. It shall be the duty of said clerk to cause the said out-lot No. 8 to be laid off into lots of the same size of the in-lots of the said town of Delphi, or as nearly so as the nature of the case will admit of, and to advertise the same for sale in three of the most public places in the town of Delphi, by posting up written notices, and to advertise the same in some newspaper having the greatest number of subscribers in said county, at least twenty days previous to the day of sale.

Sec. 3. The said clerk of Carroll county shall be governed in all other respects, in the sale of said lots, by the law now governing the sale of school land in the county of Carroll, and apply the proceeds of the same to the proper school fund of said county, where it rightfully belongs.

Sec. 4. This act to be in force and take effect from and after its passage, and it is hereby made the duty of the Secretary of State to transmit a certified copy of this act to the clerk of the circuit court of Carroll county.

CHAPTER CCXXX.

AN ACT to amend, an act entitled "An act to increase and extend the benefits of common schools."

[APPROVED JANUARY 21, 1850.]

SECTION

1. Voters in school districts in Jay county may assess additional school tax—how collected.

SECTION

2. To extend only to Jay county.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the thirteenth section of the act entitled "an act to increase and extend the benefits of common schools," be amended by inserting after the word "advisable" in the eighth line of said thirteenth section the following: "also that a majority of the qualified voters in each organized school district in the county of Jay be authorized to assess an additional tax of one-half cent on each acre of land in said district subject to taxation; also twenty-five cents on every hundred dollars valuation of town lots, including

improvements thereon, for the purposes specified in said thirteenth section, which tax when so assessed, shall be collected and paid over under the provisions of the sixteenth section of the act to which this is an amendment."

Sec. 2. This act to take effect and be in force from and after its passage, and shall extend only to the county of Jay.

CHAPTER CCXXXI.

AN ACT to legalize the acts of the school commissioner of Marion county and abolish the office of school commissioner.

[APPROVED JANUARY 21, 1850.]

| SECTION | SECTION |
|---|--|
| 1. Transfer of school funds legalized. | draw order on the county treasurer in favor of township treasurer. |
| 2. Treasurer to disburse funds, compensation of—treasurer to perform the duties of school commissioner. | 4. Office of school commissioner abolished in Marion county. |
| 3. County auditor to make dividends—to | 5. Repealing clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the transfer of the school funds to the county treasurer of the county of Marion, be and the same is hereby legalized.

Sec. 2. That said treasurer hereafter be required to receive and disburse said funds in the same manner and for the same compensation required by law of the school commissioner, and that all duties heretofore enjoined by law on the school commissioner shall be performed by such treasurer.

Sec. 3. It shall be the duty of the county auditor of said county on the second Monday in March annually to make a dividend of all such school funds subject to distribution to the proper townships, upon which he shall draw his order on the county treasurer in favor of the treasurer of such townships.

Sec. 4. That the office of school commissioner is hereby abolished in the county of Marion.

Sec. 5. That the provisions of this act extend to the county of Marion only, and all laws and parts of laws conflicting with this act be and the same are hereby repealed.

Sec. 6. This act to take effect from and after its passage.

CHAPTER CCXXXII.

AN ACT to authorize the school trustees of Noble township in Jay county to make additional districts, &c.

[APPROVED JANUARY 21, 1850.]

| SECTION | SECTION |
|---|--|
| 1. Trustees of Noble township, Jay county, to make districts. | 2. Township treasurer to loan public funds, and how. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school trustees of Noble township in Jay county be authorized to make as many school districts in said township as the interest and convenience of the citizens may require, due regard being had to school houses already built, and if circumstances seem to justify it, may organize districts with but twenty scholars, and be entitled to their fair proportion of the public fund.

Sec. 2. That the township treasurer in said township is hereby empowered to loan at interest whatever amount of the public fund may be in his hands not otherwise needed, for a length of time not to exceed one year, the payment of the same to be secured by mortgage upon real estate.

This act shall be in force from and after its passage.

CHAPTER CCXXXIII.

AN ACT in relation to the school fund in Floyd county.

[APPROVED JANUARY 17, 1850]

| SECTION | SECTION |
|---|----------------------|
| 1. County auditor, how to distribute school fund. | 2. Repealing clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor and treasurer of Floyd county in making distribution of the several school funds on the second Monday in March annually, which are applicable to school purposes in said county, shall make distribution according to the number of scholars in each township or fractional part of township in said county.

Sec. 2. All laws and parts of laws conflicting with the provisions of this act are hereby repealed, so far as relates to Floyd county.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCXXXIV.

AN ACT to organize an additional School District in the county of Sullivan.

[APPROVED JANUARY 14, 1850.]

SECTION 1. New district constituted—how organized and conducted.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the south-west quarter of section No. 15, the south-east quarter of section No. 16, the north-east quarter of section No. 21, and the north west quarter of section No. 22, in township nine (9) north, of range ten (10) west, in the county of Sullivan, shall constitute an additional school district, and said additional school district shall be organized, conducted, and governed under the same provisions of law, as other school districts may or shall hereafter, be organized, conducted, and governed.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CCXXXV.

AN ACT to amend the 38th Section of Article two of the Revised Statutes of 1843.

[APPROVED JANUARY 21, 1850.]

| SECTION | SECTION |
|---|----------------------|
| 1. Districts may be changed by township trustees—certain counties exempted. | 2. Repealing clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That any school district or districts may be subdivided or changed as convenience may require, by the township trustees of the same, at their discretion, on application by petition of the voters of such district or districts; *Provided*, That the provisions of this act, shall not extend to or be in force in the counties of DeKalb, Steuben, and Noble.

Sec. 2. All laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXVI.

AN ACT to attach a portion of Township No. 4 South, of Range 9 West, to Township 3, Range 9 West, in Gibson County.

[APPROVED JANUARY 21, 1850.]

| SECTION | SECTION |
|--|---|
| 1. County auditor to attach certain territory for school purposes. | 3. Sixteenth section to be sold—proceeds of sale, how applied. |
| 2. Jurisdiction of township officers—fractional township not to receive certain funds. | 4. County auditor not to attach territory until a majority of the legal voters petition therefor. |

WHEREAS, It is represented to this General Assembly, that the county line dividing the counties of Gibson and Warrick, passes through township No. 4, south of range No. 9 west, leaving a portion of said township, in each of the above named counties; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Gibson county be and he is hereby authorized and directed to attach all of township No. 4 south, of range No. 9 west, that lies in Gibson county, to township No. 3 south, of range 9 west, in Gibson county, for school purposes.

Sec. 2. The officers of the township to which this fractional township is attached, shall have and exercise as full and entire jurisdiction over the fractional township so attached, as though it had been and formed a part of their township originally; *Provided*, however, That the fractional township shall not be entitled to receive any of the school funds arising from the sale of the sixteenth section of the township to which it is attached.

Sec. 3. The sixteenth section of township No. 4 south, of range No. 9 west, shall be sold as soon as it can be done according to the laws now in force upon that subject, and when so sold, the proceeds of the sale of said sixteenth section shall be divided equally between the counties of Gibson and Warrick, according to the number of children, between five and twenty-one years, in each county resident in said township.

Sec. 4. The said auditor of Gibson county shall not be required to attach said fractional part of the said township to said adjoining township, as provided above, until a majority of the legal voters of said township, viz: Town. 4 south, of range 9 west, shall petition him to do so.

Sec. 5. This act to be in force and take effect from and after its passage.

CHAPTER CCXXXVII.

AN ACT to enable qualified voters of District No. 4, in township 31 north, of range 6 east, in Kosciusko County, to levy a tax in said District, sufficient to build a School House.

[APPROVED, JANUARY 21, 1850.]

SECTION

1. Tax for building school house may be levied by the voters of the district.
2. Notice to be given.
3. In case a majority vote for tax, they shall determine the amount.

SECTION

4. District trustee to preside — return to be made and how.
5. May levy another tax in case the amount be insufficient.
6. Provisions extended.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of school district number four, in township No. 31 north, of range No. 6 east, to hold a meeting in said district at some time on or before the first day of June next, and determine by vote, whether a tax shall be levied upon the property of said district, for the purpose of building a school house therein.

Sec. 2. At least ten days' notice of the time and place of such meeting shall be given, by at least three written advertisements posted up in said district.

Sec. 3. If a majority of all the qualified voters of said district shall at such meeting, decide in favor of laying a tax for that purpose, they shall also have power at the same time and place, to determine the amount of such tax, which shall not exceed the sum of two cents per acre, upon each acre of land, and the sum of fifty cents upon each one hundred dollars' valuation of other taxable property in said district; and the amount which may be so fixed, shall constitute a valid charge and lien upon the property of said district.

Sec. 4. The district trustees shall preside at such meeting, or in his absence, the qualified voters may appoint a clerk thereof, who shall make return of the proceedings of such meeting to the county auditor, in accordance with the provisions of the 15th and 16th sections of "An act to increase and extend the benefit of common schools," approved January 17, 1849, and the county auditor shall likewise, be governed by the provisions of those sections.

Sec. 5. Should the amount of tax so levied, prove insufficient to complete and finish said school house, the said qualified voters shall, in like manner and under like restrictions, levy another tax upon the property of said district, to be collected the next succeeding year, at a meeting to be held at some time prior to the first day of June, 1851.

Sec. 6. That all the provisions of this act be and the same are hereby extended to school district number eight, in township num-

ber thirty-three (33) north, of range number seven east, in said county of Kosciusko.

Sec. 7. This act shall take effect and be in force from and after its passage.

CHAPTER CCXXXVIII.

AN ACT to amend the 8th section of the School Law of 1849, in the County of Tippecanoe.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Trustees to divide the school moneys among the districts.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the trustees of congressional townships to divide the money drawn by them for school purposes, to the several districts in their respective townships in proportion to the amount of scholars in each district.

Sec. 2. All laws coming in conflict with this act is hereby repealed. This act to take effect and be in force from and after its passage in the county of Tippecanoe.

CHAPTER CCXXXIX.

AN ACT to amend section thirteen of an act to increase and extend the benefits of common schools within the counties therein named.

[APPROVED, JANUARY 21, 1850.]

SECTION 1. School districts in certain counties may vote a tax for building or repairing school houses—Tax not to exceed a certain rate.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the thirteenth section of an act, approved January 17th, 1849, to increase and extend the benefits of common schools, be

and the same is hereby so amended that hereafter it shall be lawful for any organized school district in the counties of Tippecanoe, Fountain, and Warren, at any general or special meeting thereof, to vote a tax for the purpose of building a school house or repairing the same or to pay for such as may have been recently built as a majority of all the legal voters in any such district may deem proper: *Provided, however,* That the aggregate amount of all taxes so levied by a vote of the district shall in no case in any one year exceed the amount of fifty cents on each one hundred dollars' worth of property.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXL.

AN ACT to amend an act therein named.

[APPROVED JANUARY 21, 1850.]

SECTION 1. District trustee may execute conveyances.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the 10th section of an act entitled "an act to increase and extend the benefit of common schools," approved January 17th, 1849, be so amended that the district trustee be and he is hereby authorized to make and execute conveyances for any real property sold by him as contemplated in said section.

Sec. 2. This act to be in force from and after its passage and publication.

CHAPTER CCXLI.

AN ACT to amend the school law so far as the same relates to fractional township No. 3, range 10, in Jefferson county.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Failure to furnish lists not to cause a forfeiture of the right to school funds.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That a failure on the part of school districts in Jefferson

county to furnish township clerks with lists of children, and a failure on the part of township trustees to furnish the county auditor a list of children in their townships shall not work a forfeiture of right to dividends of school funds so far as fractional township No. 3, range 10, in Jefferson county is concerned, and the list taken prior to February, 1850, for said township No. 3, range 10, shall govern the auditor.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLII.

AN ACT to amend an act entitled "an act to authorize county auditors to sell lands at private sale, which have been bid in for the use of the School Fund," approved January 28, 1847, so far as relates to the counties of Fountain and Martin.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Auditors not prohibited from selling mortgaged lands for less than debt, cost, &c.

SECTION

2. How to make sale.

3. When and where in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the third paragraph of section five of the said act as prohibits county auditors from selling said lands for a less sum than the aggregate amount of debt, interest, cost, and damages, chargeable against the same, if the same has been mortgaged to said fund, be and the same is hereby repealed so far as relates to the counties of Fountain and Martin.

Sec. 2. It shall be lawful, and is hereby made the duty of the county auditors in said counties of Fountain and Martin, in all cases specified in the act to which this is an amendment, to proceed to make sale of the real estate as directed by the fifth section of said act, except as the same is modified by the foregoing section of this act he shall cause the same to be appraised by two disinterested freeholders of the proper county, and such land shall not be sold by the county auditor for a less sum than two-thirds of such appraised value.

Sec. 3. This act to take effect and be in force from and after its passage, in the counties of Fountain and Martin only.

CHAPTER CCXLIII.

AN ACT to amend an act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849.

[APPROVED JANUARY 3, 1850]

SECTION

1. When no trustee shall be elected, township clerk may appoint.

SECTION

2. Townships not prevented from receiving share of school fund when clerk certifies.
3. When to take effect.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the ninth section of the act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849, be and the same is hereby so amended and extended that where it has so happened or may so happen that no district trustee has been or shall have been elected in the manner prescribed by said act, it shall be lawful for the township clerk to make an appointment of a district trustee, who shall serve as such till his successor shall be elected and qualified.

Sec. 2. The 19th section of said act shall not be so construed as to prevent any township from receiving its distributive share of the school fund: *Provided,* The clerk of the board of township trustees shall certify to the county auditor as required by the eleventh section of said act, on or before the second Monday in March.

Sec. 3. This act to be in force from and after its passage and publication in the State Journal and Sentinel.

CHAPTER CCXLIV.

AN ACT to amend an act, entitled "An act to increase and extend the benefits of Common Schools," approved Jan. 17. 1849.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Districts partly lying in counties voting for and against school law to select trustees.
2. Compensation, and how governed.
3. Duty of trustees.

SECTION

4. Districts may vote to raise a tax, and at what limit.
5. Funds to be distributed.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That in the several school districts in this State, which are partly included in a county or counties which have assented or

which may hereafter assent to the provisions of the act to which this is an amendment, and partly within a county or counties, refusing to adopt said act, the qualified voters shall annually, on the first Saturday of September, elect one district trustee, who shall transact the business of his district for one year, and until his successor is elected and qualified.

Sec. 2. Such trustee shall be entitled to the same compensation, be subject to the same liabilities, and in all respects governed by the laws of this State in relation to common schools, as modified by the act to which this is an amendment.

Sec. 3. It shall be the duty of the several trustees of such districts, in the distribution of the school funds, to credit the inhabitants of the several parts thereof on their liabilities for tuition and other lawful objects, so that the funds specified in the 2d section of the act to which this is an amendment may inure to the benefit of the county to which they belong.

Sec. 4. Such districts may, by a vote of the inhabitants thereof as is provided by the 13th section of the act to which this is an amendment, for the purposes in said section specified, vote to raise by tax such an amount as the majority may deem advisable: *Provided, however,* That the aggregate amount of taxes so levied by a vote of the district shall in no case in any one year exceed the amount of 25 cents on each one hundred dollars' worth of property, and 25 cents on each person liable to pay a poll tax within such part of such district as shall be included within any county or counties refusing to adopt the act to which this is an amendment; and an amount not exceeding 15 cents on each hundred dollars' worth of property within such part of such district as shall lie within any county or counties assenting thereto: *Provided, moreover,* That all the taxes in the several parts of such district shall in any one year be equal in the aggregate.

Sec. 5. It shall be the duty of the township trustees, in carrying out the provisions of the 8th section of the act to which this is an amendment, to cause the fund specified in the 2d section of said act to be distributed to parts of districts in such proportions as shall be just.

Sec. 5. This act shall be in force from and after its passage.

CHAPTER CCXLV.

AN ACT providing for the sale of the School Section in Congressional Township No. 26 north, of range three west, lying in the counties of White and Carroll.

[APPROVED JANUARY 16, 1850.]

SECTION 1. Trustees may sell upon the petition of a majority of the voters of township.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That if a majority of the legal voters of Congressional Township No. 26 north, of range three west, lying in the counties White and Carroll, shall sign a petition praying that the board of trustees doing business for said township to make sale of their school section, it then shall be lawful for said trustees to make sale of such land in the same manner as if the 172d section of chapter 13 of the Revised Statutes of 1843, had been fully carried out.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXLVI.

AN ACT to prevent the forfeiture of School lands in Warren, Franklin, and Dearborn counties.

[APPROVED JANUARY 19, 1850.]

SECTION

1. No forfeiture of school lands for a term of sixty days.

SECTION

2. Former forfeitures to be entitled to the benefit of this act.
3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be no forfeiture for the non-payment of any instalment of any payment of principal or interest due on the sale of any school lands heretofore sold, or hereafter to be sold, for the term of sixty days, after said payments may severally become due.

Sec. 2. That all forfeitures for the non-payment of principal or interest heretofore made, as well as hereafter to be made, shall be entitled to the benefit of the first section of this act.

Sec. 3. That all laws and parts of laws coming within the pur-

view of this act be, and the same are hereby repealed: *Provided*, That this act shall only apply to the counties of Dearborn, Franklin, and Warren.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CCXLVII.

AN ACT relative to the sale of School Lands in certain counties therein named, and to amend Article 13, Chapter 13, of the Revised Statutes of 1843.

[APPROVED JANUARY 19, 1850.]

SECTION

1. Trustees may sell school lands in Blackford, Jay, Adams, and Wells counties upon petition—Division and appraisement, and how sale shall be conducted.

SECTION

2. Lands partly in another county, proceedings thereon.
3. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for a majority of the qualified voters of any Congressional township in the counties of Blackford, Jay, Adams, and Wells to petition the Trustees of said township to cause to be sold the whole or any particular tract of the forfeited or unsold school land of said township, the filing of such petition verified by the affidavit of one or more of such voters, that the petition contains the signatures of more than one half of the qualified voters of such township, it shall be the duty of the Trustees to enter the same, together with said affidavit, on their record book, and then to proceed to divide the land into such lots as will in their judgment insure the best price, to affix a minimum price to each lot not less than one dollar and twenty-five cents per acre, and certify such division and appraisement to the proper county auditor or clerk acting as auditor, together with a copy of such petition and affidavit, which shall be in lieu of the proceedings by sections 169, 170, 171, 172, 173, 174, and 175, of chapter 13, of the Revised Statutes of 1843, and shall have the same force and effect as if the requirements of those several sections had been fully complied with. And it shall be lawful for the county commissioners thereafter to order and direct the sale of the land so petitioned to be sold, which sale shall be conducted according to the laws in force regulating sales of forfeited or unsold school lands.

Sec. 2. If the land sought to be sold, or the Congressional township, shall be partly in another county, the petitioners may never

theless file their petition as aforesaid, and for the purpose of procuring a sale of land, it shall be regarded as being in said Blackford, Jay, Adams, and Wells counties, and the same proceedings may be had, and with like effect, as if it lay wholly in one of said counties.

Sec. 3. This shall be a public act, and be in force from and after its passage; and all laws coming in conflict with the provisions of this act are hereby repealed.

CHAPTER CCXLVIII.

AN ACT to authorize the County Auditor of Henry county to sell a certain piece of school lands.

[APPROVED JANUARY 19, 1850.]

SECTION 1. Auditor authorized to sell certain lands—proceeds of sale how applied.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the County Auditor of Henry county, be, and he is hereby directed to offer for sale to the highest bidder on same terms as other school lands are directed by law to be sold, a certain tract of land containing ten acres more or less, situate and being part of section thirty-six, township seventeen, and range nine east, the avails of said sale to be applied by said Auditor as sales of land similarly situated, are directed by law to be applied.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXLIX.

AN ACT to authorize the sale of school section in township 26 north, range 1 west, in Carroll county.

[APPROVED JANUARY 19, 1850.]

SECTION 1. School section may be sold without the vote required by law—sale how conducted.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That school section No. 16, in township 26 north, of range 1 west, in Carroll county, may be sold without the vote heretofore required by law, in such cases—said sale shall be governed and conducted in all things, as if this act had never been passed, except as above provided.

Sec. 2. This act shall be a public act, and be in force from and after its passage.

Sec. 3. It shall be the duty of the Secretary of State, to forward a copy of this act immediately to the Clerk of the Carroll Circuit Court.

CHAPTER CCL.

AN ACT for the relief of purchasers of school lands and those persons indebted to the Common School Funds belonging to the State of Indiana.

[APPROVED JANUARY 12, 1850.]

SECTION 1. Time of payment for school lands extended 5 years on certain conditions.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where any purchaser of school lands has failed to pay the instalments now due thereon, but where the security for the payment of the same is amply sufficient, the several School Commissioners, County Auditors, and Treasurers, and all officers having charge of said funds, are hereby authorized to extend the time of payment of said instalments for the period of five years from this date, *Provided*, the said purchaser or his assignee, punctually pays up annually the interest accrued or accruing thereon, with all costs and charges caused by such delinquency.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCLI.

AN ACT *relative to the Seminary in Sullivan county.*

[APPROVED JANUARY 16, 1850.]

SECTION

1. Number of trustees.
2. County board to appoint, and at what time—may fill vacancies.
3. Suits, how brought.

SECTION

4. Quorum—trustees to control disbursements—to pay outstanding orders.
5. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, there shall only be three trustees for the management and control of the seminary of said county of Sullivan.

Sec. 2. The Board of County Commissioners of said county of Sullivan, shall, at their March term next, appoint three suitable persons to serve as such trustees for the term of three years, one to be selected from each commissioner's district, and said board may at any time fill any vacancy that may occur in said board of trustees.

Sec. 3. All suits that may hereafter be instituted for the collection of any moneys now due said fund, or that may become due, shall be in the name of the Board of Trustees of the Sullivan County Seminary.

Sec. 4. That a majority of said board shall form a quorum for the transaction of business relating to said seminary, and shall have full control in the disbursement and appropriations of said fund, without any action of the Board of County Commissioners of said county thereon; *Provided*, that they shall first pay out of said fund, all orders now outstanding against said Seminary fund.

Sec. 5. All laws contravening the provisions of this act, be and the same are hereby repealed.

Sec. 6. This act to be in force from and after its passage.

CHAPTER CCLII.

AN ACT *to repeal an act in relation to the County Seminary Fund of Tippecanoe county, approved February 11, 1848.*

[APPROVED, JANUARY, 21, 1850.]

SECTION

1. An act concerning, repealed.

SECTION

2. Money collected on forfeited recognizances to form a part of common school fund.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above recited act be and the same is hereby repealed.

Sec. 2. And that all moneys collected on forfeited recognizances in said county, shall be regarded and held as belonging to and forming a part of the common school fund of said county of Tippecanoe, and shall be managed and controled by the officers having charge of said common school fund, as other moneys belonging thereto.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLIII.

AN ACT *for the relief of the purchasers of Seminary lands in Monroe county.*

[APPROVED JANUARY 14, 1850.]

SECTION 1. Forfeited lands in reserved township, restored to purchasers thereof on certain conditions.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all lands in the reserved township in Monroe county in said State, which have been forfeited to the State of Indiana for non-payment of interest, shall be restored to the last purchasers of the same, and shall be held by them in as full and ample a manner as they were before said forfeiture occurred; *Provided*, That said owners shall on or before the first day of July, 1850, pay to the commissioner of said lands all interest due upon the same, with interest thereon from the time of said forfeiture.

Sec 2. This act shall be in force from and after its passage.

CHAPTER CCLIV.

AN ACT *changing the mode of electing United States Senators.*

[APPROVED JANUARY 21, 1850.]

SECTION 1. Elected *viva voce*.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter all elections of United States Senators, by the General Assembly, shall be by *viva voce*.

Sec. 2. All laws and parts of law conflicting with the provisions of this act, are hereby repealed.

CHAPTER CCLV.

AN ACT *to repeal an act therein named, concerning sheriffs, so far as relates to the county of Martin.*

[APPROVED JANUARY 17, 1850.]

| SECTION | SECTION |
|---|---|
| 1. Sheriff may purchase without restriction claims against said county. | 2. Sheriff may buy and sell orders and claims, as other citizens. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of article first, of chapter seven, of the Revised Statutes of eighteen hundred and forty-three, as prevents sheriffs of the several counties of this State from purchasing or receiving in payment, exchange, or in any other way whatsoever, any demand against their respective counties, or any county order for any claim allowed by the board of county commissioners against the same, for a less amount than that expressed on the face of such demand or order, be and the same is hereby repealed, so far as the same relates to the sheriff of the county of Martin.

Sec. 2. That hereafter any sheriff of said county of Martin shall be allowed to buy and sell county orders upon or demands against said county, upon the same terms and in the same manner as any other citizen of said county might or could do, without being liable to presentment or indictment for the same.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CCLVI.

AN ACT *to authorize the Sheriff of Lawrence county to serve process issued by justices of the peace, in certain cases.*

[APPROVED JANUARY 21, 1850.]

| SECTION | SECTION |
|--|---|
| 1. May serve process issued by justice of the peace, and make returns thereof—fees therefor. | 2. Bond, condition thereof, and by whom approved. |
| | 3. Secretary of State to forward copy. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for the sheriff of Lawrence county to serve process of any kind issued by any justice of the peace in said county, and make due return thereof to the proper officer, and that for such services said sheriff shall receive the same fees as are by law allowed to constables for like services.

Sec. 2. Said sheriff, before entering upon the discharge of the duties authorized by this act, shall give bond and security, payable to the State of Indiana, in the penal sum of five hundred dollars, conditioned for the faithful performance of such business as may come into his hands by virtue of the preceding section, which bond shall be subject to the approval of the auditor of said county, and filed in his office.

Sec. 3. This act shall take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to make out a certified copy of this act, and forward the same to the clerk of the circuit court of said county.

CHAPTER CCLVII.

AN ACT *respecting Sinking Fund mortgages.*

[APPROVED JANUARY 21, 1850.]

SECTION

1. Where several tracts or lots are mortgaged, and subsequently sold to different persons, purchaser may redeem any lot at value.
2. The president of, on notice to appoint two appraisers—qualifications.
3. Duty of appraisers.

SECTION

4. Copy of appraisement to be filed with clerk or secretary of the board of.
5. Conditions of release—endorsed on mortgage and certificate to purchaser.
6. Applicant to pay expense, and when.
7. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where any borrower of the Sinking Fund has mortgaged different tracts or lots of lands to secure the same loan, and has subsequently to the making of said mortgage, sold the mortgaged premises to different purchasers, any of said purchasers may redeem the lot or tract of land so by him or her purchased, by paying into the sinking fund the full value thereof.

Sec. 2. It shall be the duty of the president of the board of sinking fund commissioners, upon being notified that any one coming within the provisions of the first section of this act, desirous to avail himself or herself of the benefits thereof, to appoint two appraisers, residents of the county where the land sought to be redeemed is situate, to re-appraise the same.

Sec. 3. Said appraisers shall, before entering upon the discharge of their duties, take an oath before some officer authorized to administer oaths, honestly, faithfully, and impartially to discharge their duties, as pointed out by this act, and shall then proceed to appraise the premises, sought to be redeemed at its fair value.

Sec. 4. So soon as said appraisers shall have completed said appraisement, they shall certify the same in writing, and cause the same to be filed with the clerk or secretary of the board of sinking fund commissioners.

Sec. 5. And if said purchaser shall, within three days of the time said appraisement is made, pay over to the sinking fund the full amount of said appraisement, and shall also file at the same time the written consent of the original borrower, or if dead, his legal representative, to the effect that a release of the land shall release him only to the amount of the money paid, and said land shall ever thereafter be held discharged clear of said mortgage, which fact shall be endorsed upon the mortgaged deed, and a certificate given to the purchaser so redeeming.

Sec. 6. Any person applying for the benefits of this act shall pay the expense of having the property appraised, to be paid to the appraisers before they enter upon their duties.

Sec. 7. This act to be in force from and after its publication in the Indiana State Sentinel.

CHAPTER CCLVIII.

AN ACT *to organize the County of Starke.*

[APPROVED JANUARY 15, 1850.]

SECTION

1. Starke county organized.
2. Commissioners appointed to locate county seat—when and where to meet—when notified by sheriff—his compensation and how allowed.
3. To what judicial circuit and representative district attached.
3. Circuit court and county board, where to hold their sessions.

SECTION

5. Agent to reserve 10 per cent of sales—to whom and for what use paid.
6. Time of holding circuit court—may sit 3 days.
7. County board may hold special sessions, make appointments, &c., and provide for collection of State and county revenue.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, the county of Starke shall enjoy all the rights and jurisdiction which to separate and independent counties do or may properly belong.

Sec. 2. That James Buffin, of the county of Marshall, and Leander Chamberlain, of the county of Fulton, William C. Barnett, of the county of Pulaski, Isaac Reynolds, of the county of White, William M. Patterson, of the county of Marshall, be and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice for the county of Starke, agreeably to the act, entitled an act fixing the seat of justice in all new counties hereafter to be laid off. The commissioners or a majority of them, shall meet on the first Monday in April next, at the house of Jacob Bozarth, in the county of Starke, and shall immediately proceed to the duties assigned them by law, and it shall be the duty of the sheriff of Marshall county, to notify said commissioners either in person or by writing, of their appointment, on or before the first day of March next, and for such service, he shall receive such compensation as the board doing county business in said county of Starke, may when organized, deem just and reasonable, to be allowed and paid as other county claims.

Sec. 3. Said county shall be attached to the ninth judicial circuit for judicial purposes, and to the county of Marshall and Fulton, for representative purposes.

Sec. 4. The circuit court and the board of county commissioners, when elected under the writ of elections, from the executive department, shall meet at the house of Jacob Bozarth, and may adjourn to as near the centre of the county, as a convenient place can be had, until public buildings shall have been erected.

Sec. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Starke, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same for the use of the county library.

Sec. 6. That the circuit court in the county of Starke, shall be held on the Monday succeeding the courts in the county of Marshal, and sit three days each term, should the business require it.

Sec. 7. The board doing county business, so soon as elected and qualified, shall hold special sessions not exceeding three during the first year after the organization of said county, and shall appoint a lister, make all necessary appointments, and do and perform all other business which to commissioners belong, and take all necessary steps to collect the State and county revenue, agreeably to law.

Sec. 8. This act to be in force from and after its passage.

CHAPTER CCLIX.

AN ACT making an appropriation for repairing the State House.

[APPROVED, JANUARY 21, 1850.]

SECTION 1. \$700 appropriated for—State Librarian to draw and expend the same.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of seven hundred dollars be and the same are hereby appropriated out of any moneys not otherwise appropriated, out of the State treasury, for the purpose of repairing the State House, and the State Librarian, is hereby authorized to draw said money, and have the power to expend said money in the repairs of said State House, to refit, plastering, painting, and repairing roof, &c.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCLX.

AN ACT for an appropriation for a State Fire Engine for the use of the State Prison.

[APPROVED JANUARY 12, 1850.]

SECTION

1. \$2,000 appropriated for the purchase of—
—commissioners appointed to contract for
—claim how audited.
2. Who to have charge of—corporate name
and powers.
3. May make by-laws, &c.

SECTION

4. Exempt from militia duty, &c.
5. Fines how recovered and appropriated.
6. By-laws, &c., to be recorded—when evi-
—dence.
7. A public act—may be amended or repealed.

WHEREAS, It has been represented to this General Assembly from a reliable source, that two destructive fires have occurred in the State Prison within the past year; AND WHEREAS, similar accidents are liable to occur frequently; AND WHEREAS, there is great danger of the destruction of the property of the State, for the want of a State Engine, to be kept at said prison to be used when similar accidents may occur; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of two thousand dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of procuring a fire engine and hose for the Indiana State Prison; and that George F. Savitz, B. C. Pile, and Henry French be and they are hereby appointed commissioners to contract with some suitable person or persons for building or purchasing said fire engine and hose; and when the same shall be completed and finished or purchased by said commissioners and evidence thereof made known to the Auditor of State, it shall be his duty to draw his warrant upon the Treasurer thereof for the above named sum, in favor of said commissioners.

Sec. 2. Said commissioners shall place said fire engine and hose under the charge and control of the Warden of State Prison and John Mitchell, John F. Read, Thomas J. Howard, D. F. Jackson, John S. Bottorff, M. Stratton, C. C. Anderson, and John W. Wau-chop, citizens of Jeffersonville and county of Clark, who shall, they and their associates and successors to the number of not more than one hundred, be and they are hereby constituted a body politic and corporate, by the name and style of "State Fire Engine Company," and by that name, during the continuance of this act, shall have succession, sue and be sued, plead and be impleaded against, in any court of law or equity, contract and be contracted with, have power to take, hold, and convey real and personal property, necessary for the purpose of extinguishing fire, and the preservation of the engine, hose, tools, and implements of said company, to the amount of ten thousand dollars, and have and use a common seal, and change and alter the same at pleasure.

Sec. 3. The said corporation shall have full power to make and establish such by-laws, rules, and regulations as they from time to time shall think proper, as to the time, place, and manner of electing their officers, and as to the period of their continuance in office, and as to the powers and duties of said officers, and for fixing the time and place of meeting, of said company, for regulating the manner of conducting their business when met, and to compel the attendance of its members at the meetings of the company, and at fires, and with respect to all such other matters whatsoever, as relates to the purposes for which this corporation is constituted.

Sec. 4. The members of said corporation shall be exempt from militia duties, except in cases of insurrection or invasion, and from serving on juries in justice's courts, and from the payment of poll

tax for county purposes, and they shall after ten year's service in said company be forever thereafter exempt from the performance of militia duties, except in cases of insurrection or invasion, and a certificate signed by the president and attested by the secretary, with the seal of said company annexed, shall be competent evidence in all cases that the person to whom it is given is and has been a member of said company.

Sec. 5. All fines incurred by this act or the by laws, rules, or regulations of said company, shall and may be recovered by the treasurer of said company, in the name of the company, before any justice of the peace of the said county of Clark, with costs of suit, in which action it shall be lawful to declare generally in debt for each fine and penalty, and give the special matter in evidence, and the defendant may plead the general issue, and give the special matter in evidence; and all fines and penalties so recovered, shall be appropriated in such way as may be directed in the by-laws of said company.

Sec. 6. The by-laws, rules, and regulations, and private transactions of said company, shall be entered in a book, kept for that purpose, which entries may be given in evidence in any trial, for the recovery of any fine or penalty which may be incurred by virtue of this act.

Sec. 7. This act shall be a public act, and be judicially noticed, and be construed by all courts of this State, and the General Assembly may at any time hereafter, modify, amend, or repeal the same.

Sec. 8. This act to take effect from and after its passage.

CHAPTER CCXLI.

AN ACT imposing additional duties on the Warden and the Superintendent of the State Prison buildings.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Warden to see that officers of the Prison take official oath—to furnish convicts with copy of Bible.
2. Convicts to be delivered to the Warden.

SECTION

3. Superintendent to make certain improvements—to report the necessity and cost of sewer to General Assembly.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be and is hereby made the duty of the War-*

den of the State's Prison, to see that each and every officer of said prison take an oath or affirmation for the faithful and impartial discharge of his duties as such; and that each convict be furnished with a copy of the Bible.

Sec. 2. That the 74th section of chapter 54, of the Revised Statutes of 1843, be and the same is hereby so amended as to require the Sheriff or other officer, whose duty it may be to convey convicts to the State's Prison, to deliver the same to the Warden thereof, instead of the keeper, as now required by law.

Sec. 3. That the Superintendent of the State Prison buildings be and he is hereby authorized and directed to construct a bathing-house and apparatus for the use of the prisoners. And that he make examination as to the necessity of constructing a sewer for the more effectual removal of filth from within the prison walls, and report thereon, together with the probable cost of the proposed work, to the next meeting of the General Assembly.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLXII.

AN ACT to amend the 16th section of chapter 10 of the Revised Statutes of 1843.

[APPROVED JANUARY 21, 1850.]

SECTION 1. Owners of land not required to advertise in newspaper intention to establish corner or corners.

Section 1. *Be it enacted by the General Assembly of the State of Indiana, That the sixteenth section of the Revised Statutes of 1843, be so amended that any person or persons being the owner or proprietor of any land within the county of Adams, which they wish to ascertain, establish, re locate, or perpetuate a corner or corners thereto, or any line or lines thereof, such owner or proprietor shall not be required to advertise in a newspaper their intention of making such survey.*

Sec. 2. This act to extend and be in force in the county of Adams only, and be in force from and after its passage.

CHAPTER CLXIII.

AN ACT in relation to tavern and grocery license in Hancock county.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Repeal of license law—not to affect indictments now pending, except against William A. Franklin.

SECTION

2. Public act and when in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws or parts of laws now in force requiring a person first to obtain a license to vend ardent spirits in less quantity than a quart at a time, and make the same punishable by indictment and fine, in case the same is sold without a license, be and the same are hereby repealed, so far as the same may apply to the county of Hancock: *Provided, however*, That nothing in this act shall be so construed as to affect any indictment now pending in the Hancock circuit court, except the indictment pending in said court against William A. Franklin, an unfortunate man who was shot so as to render him unable to support himself by labor, and as to such indictments as are now against him this act and the benefits thereof shall be extended.

Sec. 2. This act is declared to be a public act, and shall be in force from and after its passage.

CHAPTER CCLXIV.

AN ACT to regulate the retailing of spirituous liquors in the county of Tippecanoe.

[APPROVED JANUARY 19, 1850.]

SECTION

1. License may be obtained on petition—conditions.
2. To what period and for what sum license may be granted.
3. Bond, where filed—prosecution in case the conditions of bond are broken—penalty and damages.

SECTION

4. Indictment for violations of this act—penalty.
5. Fees of prosecuting attorney.
6. Persons violating bond to be indicted.
7. How securities may be released.
8. When in force.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act no person shall be licensed to retail spirituous within said county of Tippecanoe,

in a less quantity than one quart, until such person shall present to the board of commissioners of said county, a petition, signed by not less than twenty-four freeholders of the township in which such person applies for license to retail, requesting said board to grant such license; and such person shall also present to the board a bond in the penalty of five hundred dollars, payable to the State of Indiana, with two or more freehold securities, to be approved by said board, conditioned that the person to whom such license shall issue, will keep an orderly tavern or grocery, as the case may be, and will not suffer any spirituous liquor to be sold in such tavern or grocery, to any minor under the age of eighteen years, in a less quantity than one quart, or in any quantity to be drunk in whole or in part by such minor on the premises, and will not sell any spirituous liquors to any intoxicated person, or suffer any gaming in such tavern or grocery, or any building or room belonging thereto or connected therewith.

Sec. 2. No person shall be licensed in said county to retail spirituous liquors for a less period than one year, nor shall any license be issued for a less sum than fifty dollars, nor shall the board of commissioners fix the license higher than two hundred dollars.

Sec. 3. The bond to be given, as in the first section provided, shall be filed with the auditor of said county, who may give certified copies thereof, which shall be received in evidence in any court of this State; and when the condition of said bond shall have been broken, it shall be the duty of the prosecuting attorney of said county to put the same in suit, and if upon the trial, the court or jury shall find for the plaintiff, damages shall be assessed at not less than fifty dollars; and such bond may be put in suit as often as the condition may be broken, until the recoveries shall amount to the penalty of the bond, and such damages shall be paid into the common school fund of said county for the use thereof.

Sec. 4. If any person shall violate any of the provisions of this act, by retailing spirituous liquors in a less quantity than one quart, without having first procured a license, as in this act provided, every person so offending, shall be liable to be indicted, and fined in any sum not less than ten nor more than fifty dollars, and be committed to the jail of said county, until such fine and the costs of prosecution are paid or replevied.

Sec. 5. The prosecuting attorney shall be allowed a docket fee of six dollars for every judgment rendered for the violation of the conditions of the bond in said first section mentioned, to be taxed with the costs of the suit.

Sec. 6. Every person who shall be licensed to retail spirituous liquors, as in this act provided, and who shall violate any of the conditions of said bond, shall be liable to be indicted and fined, as in the [fourth] section above provided.

Sec. 7. The securities in the bond above mentioned may at any time, when they shall be apprehensive that they will become liable

on such bond, file an affidavit with the auditor, setting forth their fears of such liability, and ask to be discharged therefrom, and the auditor shall thereupon notify the person so licensed, and at the expiration of five days from the filing said affidavit, the liability of the sureties of said bond shall cease as to any forfeiture thereafter to be incurred, and unless the person so licensed shall, within said five days, file a new bond, as above provided, with the auditor, with securities, to be approved by the auditor and treasurer of said county, said license shall thereupon be forfeited.

Sec. 8. This act shall be in force from and after its passage, and all laws conflicting with this act, so far as the county of Tippecanoe is concerned, are hereby repealed.

CHAPTER CCLXV.

AN ACT to reduce the number of Township Trustees in the county of Grant.

[APPROVED JANUARY 2, 1850.]

| SECTION | SECTION |
|--|--|
| 1. Township trustee—duty of—when elected. | 4. Trustee to give bond, for what amount, and where filed. |
| 2. First election of trustee, and term of service. | 5. Trustee, duties of. |
| 3. Vacancies to be filled by special election—Notice to be given when and where held—How governed. | 6. Division of school funds among townships. |
| | 7. Division of school funds among districts. |
| | 8. Trustees, how governed—Repeal'g clause. |

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the business of each Congressional township, in the county of Grant, shall be done by one trustee, who shall be duly elected on the last Saturday of August, to hold his office for the term of three years.

Sec. 2. The first election under this act shall be held by the legal voters of each township in said county, on the fifteenth day of February, 1850, and the trustee so elected shall serve until the last Saturday in August, 1850, when the regular election takes place.

Sec. 3. All vacancies that may occur in said office shall be filled by special election, ten days' notice being given thereof by written or printed notices posted up in three public places in the township—any legal voter being authorized to give such notice—and all elections to be held as near the center of the township as practic-

able, to be governed in other respects by the laws now in force regulating the same.

Sec. 4. The said trustee shall (after having been duly qualified) give bond, as is by law required of township treasurers, immediately after his election, in a sum not exceeding fifteen hundred dollars, which bond shall be filed and kept by the county auditor.

Sec. 5. The said township trustee shall keep a record of his proceedings, take receipts for all moneys paid out on the certificates of district treasurers, which receipts shall be numbered and filed as vouchers; he shall preside at all meetings and elections, (being the inspector thereof,) and shall do and perform all things now required of township clerks and treasurers, not inconsistent with this act.

Sec. 6. The county auditor shall, after having made the dividend of funds to each township, draw his warrant on the county treasurer, payable to the township trustee, for the amount coming to each township: *Provided*, That the list of children in his township, and other reports now required by law, shall have been made to the county auditor.

Sec. 7. The said township trustee shall make the dividend of school funds in his hands to the several districts in proportion to the number of children in each between the age of five and twenty-one years, and at the time of making such dividend shall inform each district trustee of the amount for which he can draw.

Sec. 8. The said township trustee shall be governed in all respects by the laws now in force regulating the duties of township trustee, township clerk, and treasurer, not inconsistent with the provisions of this act; and all laws coming in conflict with this act are hereby repealed, so far as the county of Grant is concerned.

Sec. 9. This act to be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy of the same to the auditor of Grant county prior to the first day of February next.

CHAPTER CCLXVI.

AN ACT to restrict the Board of Trustees of Washington Township, in Warren county, from levying a tax without the consent of the inhabitants thereof.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Trustees not to assess a tax unless a vote be given in favor of such tax.
2. Allowance to trustees, &c.

SECTION

3. Vacancy, how filled.
4. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of Trustees of Washington township, in Warren county, incorporated under an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838, shall not hereafter assess a tax in Washington township unless a majority of all the voters of said township at their April election shall vote in favor of said tax.

Sec. 2. That if a tax is levied in said township, the said trustees, their clerk, and supervisors shall be allowed seventy-five cents for each day they are necessarily employed, and no more.

Sec. 3. That if any vacancy shall occur in the office of any supervisor of highways by death, resignation, or refusal to qualify, in said county of Warren, the said trustees shall fill said office by appointment, who shall qualify as in other cases.

Sec. 4. That all acts coming within the purview of this act are hereby repealed, and shall be in force from and after its passage.

CHAPTER CCLXVII.

AN ACT supplemental to an act providing for a more uniform mode of doing Township business in the several counties therein named, approved February 17, 1838, so far as the county of Warren is concerned.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Constables to give bond, conditions of, and security required—To be recorded—How actions may be sustained.

SECTION

2. In force in Warren county only.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That constables elected under the act, entitled "An act pro-

viding for a more uniform mode of doing township business," approved February 17, 1838, shall, before they enter upon their duties, file a bond payable to the State of Indiana, in the penalty of five hundred dollars, conditioned for the faithful discharge of their duties as such constable, that they will perform the duties required of them by said act, and for the safe-keeping and paying over to the proper persons or authority, of all moneys which may be collected or received by them, or which may otherwise come into their hands by virtue of their office, and for the due, honest, and faithful discharge and performance of all and singular their duties as such constable during their continuance in office in all things agreeable to law, which bond shall be executed with two freehold securities, to the acceptance of the clerk of said board, and filed with him, and shall be by him recorded on the township books, and an action may be sustained on a certified copy thereof, duly certified by the clerk of said board.

Sec. 2. This act shall be confined to the county of Warren, and shall be in force from and after its passage.

CHAPTER CCLXVIII.

AN ACT to authorize Township Trustees to appoint Supervisors in certain cases in Warren county.

[APPROVED JANUARY 21, 1850.]

SECTION

1. Vacancy in the office of supervisor, how filled.

SECTION

2. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any vacancy shall occur in the office of supervisor of any road district in any of the townships of said county by death or otherwise, it shall be lawful for said township trustees to fill said vacancy by appointing some qualified person to fill said vacancy, who shall qualify as in other cases.

Sec. 2. That all laws and parts of laws coming in conflict with this act shall be, and the same are hereby repealed.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CCLXIX.

AN ACT to provide for a uniform mode of doing township business in
Clay county.

[APPROVED JANUARY 12, 1849.]

- SECTION
1. Townships declared bodies corporate and politic.
 2. Township officers, how elected.
 3. Term of office.
 4. Penalty for refusal to receive office and qualify.
 5. Elections, how conducted—duty of clerk—oath to be administered to officers.
 6. Bonds, how executed, and conditions of.
 7. Trustees, when and where to meet, and powers of.
 8. Further powers.
 9. Trustees to attend to the pecuniary concerns of townships, and to have superintendence of highways.
 10. To appoint a president and when—duties of president.
 11. Who to serve as officers of elections.
 12. Trustees to fill vacancies.
 13. How roads may be established or changed.
 14. Trustees may appoint persons to examine roads—duties of persons appointed—report, how confirmed.

- SECTION
15. Township clerk to give notice of election, and provide poll books, &c.
 16. Clerk to attend the meeting of trustees, and duties of.
 17. Clerk to preserve the books, papers, &c., and deliver them over to his successor—may be exempt from road tax at the discretion of the trustees.
 18. Treasurer, duties of.
 19. Trustees exempt from working on roads.
 20. Auditor to furnish townships with books, &c., auditor to appoint trustees in case any township fails to organize.
 21. Supervisors, when, to whom, and in what manner to report.
 22. Township clerk, when, to whom, and in what manner to report.
 23. County auditor to open an account with township treasurers, in lieu of supervisors.
 24. Township clerk to keep a record of marks and brands—fees for such service.
 25. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several townships in said county of Clay, that now are, or may hereafter be legally organized, are hereby declared bodies corporate and politic, and by the names of their corporations, may sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts having competent jurisdiction.

Sec. 2. The qualified electors in each township are hereby authorized and required to meet at the usual place of holding elections in their respective townships, on the first Monday in April annually, and proceed to elect three township trustees, a township clerk, and treasurer, two fence viewers, and as many constables as there are justices of the peace in said township, and as many supervisors of roads as there are road districts in the township.

Sec. 3. The officers elected agreeable to the provisions of this act, shall severally hold their offices for the term of one year and until their successors are chosen and qualified; *Provided, however*, That none of the officers so elected as aforesaid, shall be compelled to hold their offices for a longer period than three months after the expiration of one year from the time they were sworn into office.

Sec. 4. Any householder refusing to accept the appointment of trustee or other officer elected, as aforesaid, or to take the oath required by the provisions of this act, shall forfeit and pay the sum of two dollars and fifty cents, to be recovered in an action of debt before any justice of the peace of the proper township.

Sec. 5. All elections held by the provisions of this act, shall be conducted in the same manner as is now provided for conducting county or township elections, and that at the first election held under the provisions of this act, it shall be the duty of the clerks of said election to make out certificates of election, and cause the same to be signed by the inspector and judges and attested by said clerks, and deliver the same to some constable of said township, who shall within ten days thereafter deliver the same to the persons elected as aforesaid, and the person elected clerk as aforesaid, shall within five days after notice as aforesaid, appear before some person duly authorized to administer oaths, and take an oath or affirmation, faithfully and impartially to discharge the duties of township clerk, according to law, and the several other officers elected as aforesaid, shall within twenty days after receiving notice of their election, appear before the township clerk, or some other person duly authorized to administer oaths, and take an oath or affirmation, faithfully and impartially, to discharge the several duties assigned, according to the provisions of this act.

Sec. 6. The township treasurer, township clerk, and constables, shall before entering on their duties, severally give bond with security, to be approved of by the trustees, in a sum not less than three hundred, nor more than five hundred dollars, conditioned for the faithful discharge of the duties enjoined on them by this act, which bonds shall be made payable to the township treasurer and his successor in office.

Sec. 7. The township trustees shall meet at the usual place of holding elections or as near thereto as may be convenient, on the second Mondays in March, June, September, and November, annually, to transact the business of the township, and shall have power to divide their townships into a suitable number of road districts, by range, county, township, section, or half section lines, and to alter the same as the public good may require.

Sec. 8. The said trustees shall have power to establish the places of holding elections in their respective townships, and again to change the same as to them may seem best.

Sec. 9. It shall be the duty of said trustees to superintend, take charge of, and attend to all the pecuniary concerns of their townships; they shall have a general superintendence of all roads and highways in the several townships; and they shall have power to grant cart ways or other township roads, as hereinafter provided.

Sec. 10. It shall be the duty of said trustees at their June term annually, to appoint one of their number president, who shall serve as such during the term of one year, and whose duty it shall be to propound all questions to said board, and in case of a tie to give the casting vote.

Sec. 11. The President of the board of trustees aforesaid, shall serve as inspector, the other two trustees as judges, and the clerk and treasurer as clerks of all elections held in their respective townships.

Sec. 12. It shall be the duty of the trustees to fill all the vacancies that may be occasioned by the death, removal, or failure to qualify, of any of the officers named in this act and the persons so appointed, shall give the same bond and take the same oath as required in other cases.

Sec. 13. That when any person or persons wishing to establish cart ways or township roads, or to change any cart way, township, or county road, in any of the townships in Clay county, such person or persons, before any road can be thus established or changed, shall give notice of such application, at least twenty days preceding such application, to the board of trustees, by setting up advertisements in three of the most public places, one of which shall be at the usual place of holding elections, in the township in which such road is proposed to be located or changed, and shall also present to said board of trustees, a petition signed by at least twelve house-holders of the neighborhood, through which the same may run, setting forth their reasons for such location or change; *Provided, however,* That such trustees shall have no power to locate or change any road when any part of such location or change is desired to extend beyond the limits of their respective townships.

Sec. 14. On receiving the petition, the board shall, if they deem it expedient, appoint three disinterested persons, resident house-holders, to examine the route thus proposed, who shall take an oath faithfully to discharge their duties and make report to the board, and upon receiving such report, the trustees shall, if they conceive that the public good require it, establish the same and make a record of the proceedings in the book in which the records of the township are kept, and the road when so located or changed, shall be deemed a public highway and shall be opened and kept in repair as other roads in the township.

Sec. 15. It shall be the duty of the township clerk, to give notice of all township elections held under the provisions of this act, by setting up advertisements at three of the most public places in the township, at least ten days previous thereto; he shall provide poll books and tally papers and the necessary blank certificates according to the forms furnished by the auditor.

Sec. 16. The clerk shall attend all meetings of the trustees, and keep a fair and correct record of their proceedings in a book provided for that purpose; he shall record all roads and cart ways established by the trustees, and also all changes of roads which shall be made by said trustees.

Sec. 17. The clerk shall carefully preserve all books and papers belonging to the township, and deliver the same to his successor, and for keeping the township record, he shall be exempt from working on roads and paying road-tax, if the trustees be of opinion that his services require such exemption.

Sec. 18. It shall be the duty of the treasurer to receive all moneys belonging to the township, and pay the same over on the order of the trustees, attested by their clerk. He shall produce his books and vouchers, and settle with the trustees at their meeting in

March, and account for all moneys which may have come into his hands, by virtue of his office, and it is hereby made the duty of said treasurer, to prosecute on the township collector's bond, for failing to collect and pay over any moneys required of them by this act; he shall deliver all moneys, books, and papers to his successors, and as a compensation for his services, be exempt from working roads and paying road-tax, if the board be of opinion his services require it.

Sec. 19. The trustees shall be exempt from working on roads and paying road-tax during their continuance in office.

Sec. 20. It shall be the duty of the auditor of Clay county, to furnish each township with suitable books and forms to carry into effect the provisions of this act, to be paid for out of the county treasury, and in case any township should fail to organize according to the provisions of this act, it shall be the duty of said auditor, to appoint three suitable trustees, who shall in all respects, be governed by the provisions of this act, the same as if they had been regularly elected.

Sec. 21. It shall be the duty of the several supervisors to report to the board of trustees, in their respective townships, at their annual meeting in June, which report shall be all the report required of said supervisor.

Sec. 22. The township clerk shall immediately after the June term, of said board of trustees, report to the county auditor, the amount of road-tax worked out in the township, according to the reports of the different supervisors, and shall so soon as the amount can be ascertained, give the treasurer of his township an order to the county auditor, for the amount of road-tax collected by the county treasurer, for the township to be drawn by said township treasurers, and applied by the township trustees, to building bridges and purchasing tools to work the public roads and highways in said township.

Sec. 23. It shall be the duty of said county auditor to open an account current with each township treasurer in said county, as is now provided by law, with the different supervisors, and that all laws requiring said auditor to keep accounts with said supervisors, be and the same are hereby repealed.

Sec. 24. That it shall be the duty of the several township clerks to keep a record of marks and brands, according to the provisions of an act requiring such duties of the county recorder, and receive the same fees therefor.

Sec. 25. That all laws and parts of laws coming within the provisions of this act, be and the same are hereby repealed; this act to be in force from after its passage.

CHAPTER CCLXX.

AN ACT *explanatory of an act, and to amend an act approved February 12, 1848, providing for the election of township assessors and township collectors in Jennings county, and for other purposes.*

[APPROVED JANUARY 18, 1850.]

SECTION

1. Misprint declared.
2. Intent and meaning declared.
3. Copies of local laws of 1848 furnished to Jennings county.

SECTION

4. Extra copies of local laws to be furnished to Jennings county.
5. Repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the word "succeeding," where it occurs in the 7th section of an act approved February 12, 1848, entitled "an act to provide for the election of township assessors and collectors in Jennings county, and for other purposes," be, and the same is hereby declared to be a misprint.

Sec. 2. That the word "preceding," be, and the same is hereby substituted, in said section, in the place of the word "succeeding," and said section of the act aforesaid shall be construed in the same manner as if the word "preceding" had been originally employed therein, which is hereby declared to be the true meaning and intent of said act.

Sec. 3. The Secretary of State shall be required, after the passage of this act, to furnish to the county of Jennings twelve copies of the local laws of 1848, for the use of the township officers elected under the provisions of the act aforesaid.

Sec. 4. There shall be furnished to the county of Jennings twelve additional copies of the local laws of the present session, in the same manner that the laws of the present session are to be distributed, for the use of the township officers aforesaid.

Sec. 5. This act to take effect and be in force from and after its passage; and all acts contravening the provisions of this act be, and the same are hereby repealed, so far as the same relate to the county of Jennings.

CHAPTER CCLXXI.

AN ACT *concerning the duties of the county treasurers of the counties of Kosciusko and Knox.*

[APPROVED JANUARY 17, 1850.]

SECTION

1. Treasurer not required to attend at the places of holding elections unless ordered by the county board.

SECTION

2. Repealing clause.
3. Declared a public act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall not be obligatory upon the county treasurers of said counties of Kosciusko and Knox, to attend at the places of holding elections, or elsewhere, in the several townships of said counties, for the purpose of collecting and receiving the State, county, road, or other revenue, nor to give the notice heretofore required by law in such cases, unless the board of commissioners of said county shall expressly order them to do so.

Sec. 2. All laws or parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed, so far as relates to said counties.

Sec. 3. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER CCLXXII.

AN ACT *defining the duties of county treasurers in several counties therein named.*

[APPROVED JANUARY 17, 1850.]

SECTION

1. Treasurers in certain counties not required to attend at the places of holding elections unless ordered by the county board.

SECTION

2. When to take effect:—repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be obligatory upon the treasurers and collectors of the several counties of Pulaski, Benton, Jasper, Daviess, Vanderburgh, and Marshall, to attend at the place of holding elections, for the purpose of collecting and receiving revenue, unless

the board of commissioners of the proper county shall otherwise order and direct.

Sec. 2. This act shall be in force from and after its passage; and all laws conflicting with the provisions of this act are hereby repealed, so far as the same relates to the counties aforesaid.

CHAPTER CCLXXIII.

AN ACT defining the duties of the county treasurer of Hancock county.

[APPROVED JANUARY 14, 1850.]

SECTION

1. Treasurer not required to attend at the places of holding elections, unless ordered by the county board.

SECTION

2. When to take effect—repealing clause.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall not be obligatory upon the treasurer and collector of Hancock county to attend at the places of holding elections, for the purpose of collecting and receiving the revenue, unless the board of county commissioners of said county shall order him so to do.

Sec. 2. This act shall be in force from and after its passage; and all laws conflicting with this act are hereby repealed, so far as the same relates to the county aforesaid.

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF INDIANA.

CHAPTER I.

A Joint Resolution in relation to the navigation of the Kankakee and Iroquois rivers, in the States of Indiana and Illinois.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested, to vote for, and use their influence to procure the passage of a law by the present Congress, granting every alternate section of land belonging to the United States, along the Iroquois river, in the States of Indiana and Illinois, for two miles in width on each side thereof, for the purpose of improving the slack-water navigation of said rivers, and draining the wet lands bordering thereon.

Sec. 2. *Be it further resolved*, That his Excellency, the Governor, be requested to transmit a copy of this joint resolution to our Senators and Representatives in Congress.

CHAPTER II.

A Joint Resolution in relation to donating the public lands to actual settlers.

[APPROVED JANUARY 16, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress are hereby instructed, and our Representatives requested, to use their influence in favor of,

and vote for, a law donating public lands in limited quantities to actual settlers.

Sec. 2. That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

CHAPTER III.

A Joint Resolution in reference to the reduction of the price of the lands in the Miami National Reservation.

[APPROVED DECEMBER 23, 1849.]

WHEREAS, A greater portion of the choice lands in the Miami National Reservation have already been sold by the General Government at the uniform price of two dollars per acre, a price greater than that paid for a large portion of the lands of the General Government; AND WHEREAS, The price now demanded by the General Government, will, to a great extent, prevent the early sale of said lands, and thereby retard the growth and prosperity of that portion of our State; Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested, to use their votes and influence to bring about a reduction in the price of lands in the Miami National Reservation.

Sec. 2. *Be it further resolved*, That his Excellency, the Governor, be requested to transmit copies of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER IV.

A Joint Resolution relative to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana.

[APPROVED JANUARY 12, 1850.]

WHEREAS, Col. Francis Vigo, late a citizen of Knox county, Indiana, deceased, had a claim against the State of Virginia, for the sum of eight thousand six hundred and sixteen dollars, for advances made to the troops under the command of General George Rogers Clark, in what was called the "Illinois campaign, undertaken by the State in 1778-9;" which claim has been audited and allowed by the State of Virginia, and is now before the Congress of the United States for payment; AND WHEREAS, It is matter of history, that but for the advances of said Vigo, to Gen. Clark in said campaign, the troops under his command could not have been supported, and the expedition would have been abandoned, and that by means thereof, Gen. Clark was enabled to capture Col. Hamilton and his troops, and take possession of Fort Vincennes, whereby was secured to the confederacy the north-western territory; AND WHEREAS, We believe that the claim of said Vigo is just, due, and unpaid, and that the same should long since have been settled and paid by the United States; Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to endeavor to procure the passage of a law providing for the payment of said claim.

Resolved further, That his Excellency, the Governor, be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

CHAPTER V.

A Joint Resolution in relation to the brave and patriotic sons of Hungary.

[APPROVED JANUARY 14, 1850.]

Section 1. *Resolved unanimously*, That the brave and patriotic people of Hungary are entitled to our warmest sympathy in their unsuccessful struggle for the liberty of their country, against the despots of Austria and Russia, and that the cruelty exhibited by

the Emperor of Austria, in the execution of her bravest generals and patriotic ministers of religion, for no other act than fighting and praying for the liberty of their country, demands the universal condemnation and execration of all nations.

Sec. 2. *And be it further resolved*, That it is the duty of the Government of the United States of America, to make a solemn protest against the inhuman butchery of the patriots of Hungary, by the tyrants of Austria, as an infraction of the laws of nations and an insult to the feelings of all free States.

Sec. 3. *And be it further resolved*, That we, the Representatives of the State of Indiana, in the name of the people of said State, do enter our solemn protest against the inhuman butchery aforesaid, and request that a certified copy of these joint resolutions be forwarded by the Governor of Indiana, to each of our Senators and Representatives in Congress, with instructions that they recommend the Government of the United States to use all the power and influence of the government, through its Ministers at the courts of Austria and Russia, to obtain an amelioration of the condition of the brave patriots of Hungary, and that a general pardon be extended to all those brave men who defended their country and her sacred cause.

CHAPTER VI.

A Joint Resolution in relation to a Mail Route from Stilesville, in Hendricks county, to Gosport, in Owen county, in the State of Indiana.

[APPROVED JANUARY 15, 1850.]

WHEREAS, There is no direct mail route from Stilesville, on the Cumberland Road, in the county of Hendricks, in this State, by the way of Wadesville, in the county of Morgan, to Gosport, in the county of Owen, in this State: AND WHEREAS, The public good demands that such a route be immediately established, with a semi-weekly mail thereon: Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to procure the establishment of such mail route, with a semi-weekly mail thereon, at the earliest moment.

Sec. 2. That his Excellency the Governor, be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, at as early a day as practicable.

CHAPTER VII.

A Joint Resolution on the subject of the Public Lands.

[APPROVED, JANUARY 21, 1850.]

Be it resolved by the General Assembly of the State of Indiana, That our Senators be, and they are hereby instructed, and our Representatives requested, to use their influence and vote for the passage of a law giving to each actual settler upon the public lands, hereafter, the privilege of purchasing at least eighty acres of the same, at the cost of surveying and bringing the same into market.

Be it further resolved, That his Excellency, the Governor, be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER VIII.

A Joint Resolution on the subject of Public Lands in the State of Indiana.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence and votes for the passage of a law donating to the State of Indiana, for the purpose of increasing her common school fund, all the public lands in said State which may have been offered at public sale, and subject to private entry, more than twenty-five years.

Sec. 2. That the Governor, be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER IX.

A Joint Resolution relative to the Miami Indians.

[APPROVED JANUARY 21, 1850.]

WHEREAS, A few individuals and families of the Miami tribe of Indians, to-wit: Me-ze-quoh, Pe-she-woh, O-san-diah, Al-lo-lah *alias* Black Raccoon, Seek, Waw-pe-mung-gwaw, Co-as-se, Ah-mac-kon-ze-quah, Mah-ket-e-mung-gwaw, Young Revoir *alias* Shap-pe-ne-maw, Peter Longlois, and Elizabeth Longlois, are the owners of land in this State in fee simple, which have been reserved to them by treaties with the United States, upon which they wish to reside and cultivate: **AND WHEREAS**, The said Indians are peaceable, law abiding citizens, whose lands and property are taxed as other citizens: **AND WHEREAS**, The annuities of said families, for several years, have been paid west of the Mississippi, while a portion of said tribe receive their annuities in this State, with whom the said families could be paid without any increase of expense or inconvenience to the government: **AND WHEREAS**, In the opinion of this General Assembly, a grant of land to said Indians, by the United States, implies a right to enjoy the same, with all the rights and privileges to which they were previously entitled: Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives be requested, to use their exertions and influence to procure if possible, the payment of annuities due said persons, and the families of those who have families in the State of Indiana, either by an order from the proper department or by act of Congress.

Sec. 2. *Be it further resolved*, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, as soon as practicable.

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence and votes in support of a measure giving to Indiana, for educational purposes, the lands now remaining unsold in the Vincennes District.

Sec. 2. The Governor is hereby directed to forward a certified copy of this joint resolution to each of our Representatives and Senators in Congress.

CHAPTER X.

A Joint Resolution relative to the Donation of certain lands in the Vincennes District for the purpose of sustaining and encouraging Common Schools.]

[APPROVED JANUARY 19, 1850.]

WHEREAS, By an act of Congress, passed in the year 1844, the alternate sections of land, situate in the Vincennes District, were granted to the State of Indiana, for the purpose of aiding the completion of the Wabash and Erie Canal: **AND WHEREAS**, The remaining alternate sections have been reduced by entry since, leaving but little, if any, lands in that district worth the minimum price: **AND WHEREAS**, The expenses upon the General Government attendant upon the sales of this remnant of public domain in the aforesaid district, is more perhaps than the revenue derived therefrom; and the said lands having been in market for more than forty years, clearly evidencing the before mentioned fact: **AND WHEREAS**, Education and intelligence are and must ever be considered the foundation of a government like ours, when virtue and intelligence are the only safe and sure ingredients upon which the patriot may found his hopes for the perpetuity of the blessings handed us by the fathers of our country: **AND WHEREAS**, The citizens of that district were among, if not the very first, pioneers of the State, encountering all the difficulties and privations incident to early settlement: Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Representatives in Congress be requested, and our Senators directed to use their influence and votes in support of a measure giving to Indiana, for educational purposes, the lands now remaining unsold in the Vincennes District.

Sec. 2. The Governor is hereby directed to forward a certified copy of this joint resolution to each of our Representatives and Senators in Congress.

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Representatives in Congress be requested, and our Senators directed to use their influence and votes in support of a measure giving to Indiana, for educational purposes, the lands now remaining unsold in the Vincennes District.

CHAPTER XI.

A Joint Resolution in relation to the Soldiers of the War with Great Britain.

[APPROVED JANUARY 15, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress are hereby instructed, and our Representatives requested, to use their influence to procure the passage of a law, extending to soldiers of the late war with Great Britain, and also to the soldiers who were engaged in the wars with the Indians, under Harmer, St. Clair, Wayne, Harrison, Jackson, and others, the same donations of bounty land and extra pay, as have been made to the soldiers engaged with Mexico.

Sec. 2. That his Excellency, the Governor of the State of Indiana, be requested to forward to each of our Senators and Representatives in Congress a copy of this joint resolution.

CHAPTER XII.

A Joint Resolution in relation to a Mail Route from Rushville, by way of Greenfield, to Noblesville, in the State of Indiana.

[APPROVED JANUARY 19, 1850.]

WHEREAS, There is no direct mail route from Rushville, the county seat of Rush county, by way of Greenfield, the county seat of Hancock county, to Noblesville, the county seat of Hamilton county, in this State: AND WHEREAS, Said towns and counties are populous, and the wants and convenience of the people of said towns and counties, and the public good at large, demands that there should be a mail route established between said towns, and a tri-weekly mail thereon; Therefore,

Section 1. *Be it Resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to have said mail route established, with a semi-weekly mail thereon; and that the Governor transmit a copy of this joint resolution to our Senators and Representatives in Congress at as early a day as practicable.

CHAPTER XIII.

A joint Resolution relative to using the Lash in the United States Navy.

[APPROVED JANUARY 15, 1850.]

WHEREAS, The present system of whipping of Seamen in the United States Naval Service is debasing to the human character, and contrary to the spirit of the age, and to the principles of a republican government; Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be intructed, and our Representatives be requested, to use their influence in favor of and to vote for a law to abolish the use of the lash as a punishment for offences in the United States Navy.

Sec. 2. That the Govenor be requested to furnish each one of our Senators and Representatives in Congress with a copy of the foregoing resolutions.

CHAPTER XIV.

A Joint Resolution in regard to the compensation of Jurors in the United States District Court.

[APPROVED JANUARY 18, 1850.]

WHEREAS, The compensation of Jurors, of one dollar and twenty-five cents per diem, and five cents mileage, is insufficient to defray actual expenses, thereby precluding those from distant portions of the State, from serving as such; AND WHEREAS, The consequence is, that few if any compose the pannel, but those immediately in the vicinity of the Capitol, thereby defeating the desired object of each and every portion of the State being represented in their interests in that high court, whose peculiar province it is to hear and redress wrongs, and ferret out abuses of the laws of the General Government; Therefore,

Be it Resolved by the General Assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress requested, to procure the passage of a law, fixing the pay of Jurors in the U. S. District Court, at two dollars per day and ten

cents per mile, for their attendance at, and travelling to and from the Capitol of State, as Jurors of said court.

The Governor is hereby directed to transmit to each of our Senators and Representatives in Congress, a copy of this joint resolution.

CHAPTER XV.

A Joint Resolution relating to the bounty land and three months extra pay of deceased officers, musicians, and privates, engaged in the war against Mexico.

[APPROVED JANUARY 15, 1850.]

WHEREAS, The acts of Congress, giving bounty land and extra pay to the heirs of such deceased non-commissioned officers, musicians, and privates, as have died of wounds received, or disease contracted in the military service of the United States, extends only to the wife, children, father, mother, brothers, and sisters of the deceased; AND WHEREAS, there are many cases where the soldier has fallen in the service of his country, having relatives, but not such as are above named; Therefore,

Section 1. *Be it Resolved by the General Assembly of the State of Indiana*, That our Senators be instructed, and our Representatives in Congress requested, to use their best efforts to procure the passage of an act of Congress, to the effect that where a soldier has died of wounds received, or disease contracted in the military service of the United States, having none of the relations above mentioned, his bounty land and extra pay shall go to his next nearest relation or relations, unless he shall have made a will, in which case, the same shall go according to the directions of the will, if the said non-commissioned officer, musician, or private has no such kindred as is above specified.

Sec. 2. This joint resolution to take effect from and after its passage; and his Excellency, the Governor, is requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XVI.

A Joint Resolution on the subject of the Michigan City Harbor.

[APPROVED JANUARY 8, 1850.]

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress are hereby instructed, and our Representatives requested, to use every reasonable exertion, to procure an appropriation during the present session of Congress for the further prosecution and completion of the harbor of Michigan City, in the State of Indiana.

Be it further resolved, That his Excellency, the Governor, be requested to transmit copies of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XVII.

A Joint Resolution in relation to the officers and soldiers of the war of 1812.

[APPROVED JANUARY 14, 1850.]

WHEREAS, It is right and proper that the soldiers of the late war, commonly called the war of 1812, should be regarded with as much favor and consideration as those engaged in the war with Mexico, and that their wives and children should be placed in as favorable a condition as the wives and children of those who died of wounds received, or of disease contracted in the Mexican war; Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives be requested, to use their exertions to procure the passage of an act of Congress, extending to the officers, non-commissioned officers, musicians, and privates of said late war, the provisions and benefits as to bounty lands and pensions of the 9th section of an act of Congress entitled "an act to raise, for a limited time, an additional military force and for other purposes," approved February 11, 1847; also, the provisions of "an act explanatory of an act entitled 'an act to raise, for a limited time, an additional military force and for other purposes,' approved February 11, 1847," approved 27th May, 1848; also, the provisions of an act amending the act entitled "an act granting half-pay to widows or orphans,

when their husbands and fathers have died of wounds received in the military service of the United States, and in case of deceased officers and soldiers of the militia and volunteers, passed July 4, 1836," approved July 21, 1848; also, the provisions of an act on the same subject, approved February 22, 1849.

Sec. 2. This joint resolution to take effect from and after its passage; and it is hereby made the duty of his Excellency, the Governor, to forward a copy of the same to each of our Senators and Representatives in Congress.

CHAPTER XVIII.

A Joint Resolution to enable the State of Indiana to draw Arms and Equipments from the United States.

[APPROVED JANUARY 21, 1850.]

WHEREAS, It is the policy of the General Government to distribute arms to the several States, in proportion to the number of men which can be brought into the field in case of emergency; AND WHEREAS, The State of Indiana is now receiving her quota of arms, based upon the reports of her militia force made in 1832; AND WHEREAS, The number of men capable of bearing arms in this State is nearly, if not quite, triple the number upon which she is drawing arms; AND WHEREAS, Under the present law of Congress, arms can only be issued to States under a return of her strength, made on military enrollment; AND WHEREAS, There is no probability of an organization of the militia in this State; Therefore, to enable the State to draw the proportion of arms to which she is entitled,

Be it resolved by the General Assembly of the State of Indiana, That our Senators are hereby instructed, and our Representatives requested, to procure the passage of a law by Congress, distributing to the State of Indiana arms and equipments in proportion to the number of male citizens in the State, between the ages of eighteen and forty-five years.

Be it further resolved, That the Governor cause to be made from the census of 1850, an abstract of the number of male citizens of the State between the ages of eighteen and forty-five years; a copy of which he is hereby requested to forward to the Secretary of War, and, together with a copy of this resolution, to each of our Senators and Representatives in Congress.

CHAPTER XIX.

A Joint Resolution concerning the improvement of the navigation of the Ohio river.

[APPROVED, JANUARY 31, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed, and our Representatives requested, to use their votes and influence, to secure the passage of a law, making appropriations of money, for the improving the said river.*

Sec. 2. *And be it further resolved, That his Excellency, the Governor, be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.*

CHAPTER XX.

A Joint Resolution on the subject of increasing the Common School Fund.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure a grant of the public lands in the State of Indiana, for the purpose of increasing the Common School Fund.*

Sec. 2. *That his Excellency, the Governor, be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.*

CHAPTER XXI.

A Joint Resolution allowing to each of the Benevolent Institutions of this State a copy of the General and Local Laws and the Revised Code.

[APPROVED, JANUARY, 14, 1850.]

Resolved unanimously by the General Assembly of the State of Indiana, That there shall hereafter be delivered to the Superintendents of the Insane Hospital, Deaf and Dumb, and Blind Asylums, each a copy of the General and Local Laws of the State of Indiana, and the Revised Laws of 1843, for the use of those Asylums.

CHAPTER XXII.

A Joint Resolution awarding the thanks of the General Assembly of the State of Indiana to Mrs. Monimia Boyd, for her valuable present of a painting called, "A Hoosier's Nest."

[APPROVED, JANUARY 3, 1850.]

WHEREAS, to-wit on the fifth day of December, A. D. 1849, Mrs. Monimia Boyd, wife of Dr. Samuel S. Boyd of Jacksonburgh, in the county of Wayne, and State of Indiana, having presented as a gift to the State Library of Indiana, a very valuable painting in oil colors, descriptive of a scene in the early settlement of Indiana, commonly called "A Hoosier's Nest," the same being the production of the pencil of this highly gifted lady; Therefore,

Section 1. *Be it resolved*, That the thanks of the General Assembly of the State of Indiana, be most respectfully tendered to the said Mrs. Monimia Boyd, for her valuable gift.

Sec. 2. *Be it further resolved*, That a copy of this joint resolution be made out and forwarded by the Governor of the State, to the said Mrs. Monimia Boyd, to be presented to her by her husband Dr. Samuel S. Boyd.

CHAPTER XXIII.

A Joint Resolution in relation to the public documents of the State of Indiana.

[APPROVED JANUARY 14, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That the State Librarian be and he is hereby authorized and directed, to select from the surplus public documents, not wanted for the use of the State Library, one copy of all such documents published by authority of the State of Indiana, and to forward the same to the library of Harvard University, for the use of said library.

Sec. 2. *And be it further resolved*, That it shall be the duty of the State Librarian annually, hereafter to transmit to the said Library of the Harvard University, one copy of the laws and journals of the future sessions of the Legislature of the State of Indiana.

CHAPTER XXIV.

A Joint Resolution for the relief of James Gallatly and others therein named.

[APPROVED, JANUARY 19, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Owen Circuit Court, be and the same is hereby directed, to grant at the ensuing term thereof, a new trial to the defendants in a certain cause lately in said court decided, in which the State Bank of Indiana was plaintiff, and John Young, John Johnson, George Digman, Isaac Westfall, Samuel Scott, Joseph Stevenson, James Young, and James Gallatly were defendants, in which cause judgment was rendered against said defendants for \$3,500 or about that amount, but the said new trial shall be granted as to the interest of the State only, and shall in no wise affect the interest of any other person interested in said judgment in any manner.

Sec. 2. The said defendants shall be at liberty to plead to the merits in said action, and the State reply thereto, as in other cases, and it shall be the duty of the said Circuit Court to appoint counsel for the State in said cause, whose fee for prosecuting the same shall not exceed \$50 00, and the said court shall on the trial of said cause, be governed by the law applicable to other cases of a like nature.

Sec. 3. This joint resolution to be in force from and after the filing a certified copy thereof, in the clerk's office of said court, and the Secretary of State is hereby required to forward said copy to said clerk.

CHAPTER XXV.

A Joint Resolution relative to a settlement of the accounts between this State and General Government relative to the three per cent. fund.

[APPROVED JANUARY 3, 1850.]

WHEREAS, It has been represented to the Governor of this State, that the accounts relative to the three per cent fund to which the State of Indiana may be entitled, have never been fully and satisfactorily adjusted; AND WHEREAS, there are good reasons to believe that a large amount is yet due to the State of Indiana from the United States, provided the accounts were all fully and fairly adjusted; AND WHEREAS, other of our sister States of the west, have delegated authority to proper Agents, for the purpose of satisfactorily and finally settling those accounts, Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be requested to investigate at the proper department at Washington, the claims of Indiana upon the General Government, in reference to the three per cent. fund and inform the Governor of this State, of the result previous to the meeting of the next Legislature.

CHAPTER XXVI.

A joint resolution on the subject of admitting slave territory.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana,* That our Senators be instructed, and our Representatives in Congress be requested, so to cast their votes, and extend their in-

fluence, to have ingrafted upon any law that may be passed for the organization of the territory recently acquired from Mexico, a provision forever excluding from such territory slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party has been duly convicted.

Sec. 2. That the Governor be requested to forward to each of our Senators and Representatives in Congress copies of this joint resolution, at his earliest convenience.

CHAPTER XXVII.

A joint resolution in relation to the slave trade.

[APPROVED JANUARY 16, 1850.]

WHEREAS, The policy of suppressing the African Slave Trade by an armed blockade, has upon the whole proved an entire failure, said trade being as vigorous now as it was before the blockade was attempted: AND WHEREAS, It is likely that England will soon make overtures to our General Government, demanding a release from all treaty stipulations whereby she is obliged to keep her expensive fleet on the African coast, for the suppression of the slave trade: AND WHEREAS, Both the governments of the United States and England are convinced that some other plan must be adopted to check that traffic: AND WHEREAS, The settlement of the African coast with colonies of civilized colored men is the cheapest and best plan of suppressing said traffic, being likewise calculated to further the work of colonizing our people of color, which plan of suppressing the trade is true American policy; Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana,* That our Senators and Representatives in Congress be, and they are hereby requested, in the name of the State of Indiana, to call for a change of national policy on the subject of the African Slave Trade, and that they require a settlement of the coast of Africa with colored men from the United States, and procure such changes in our relations with England as will permit us to transport colored men from this country to Africa, with whom to effect said settlement.

CHAPTER XXVIII.

A joint resolution upon the subject of a grant of land, for a Geological Survey of the State of Indiana.

[APPROVED JANUARY 21, 1850.]

WHEREAS, A large part of the mineral lands in the State of Indiana belong to the United States, and their value consists chiefly in the minerals under the surface, that are not easily to be ascertained without a geological survey of the district in which they lie: AND WHEREAS, The people of this State desire the direct and indirect advantages that would grow out of the development and use of these minerals, and deem it justice that the General Government should contribute its fair proportion of the cost of bringing its own lands into market; Wherefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress are hereby instructed, and our Representatives requested, to use their exertions to procure a grant of a township of land, or its equivalent, of the unsold lands of the United States in Indiana, for the purpose of aiding said State in making a full geological survey thereof.

Sec. 2. *Be it further resolved*, That his Excellency the Governor be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXIX.

A joint resolution on the subject of the vacant lands in the State of Indiana.

[APPROVED JANUARY 21, 1850.]

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law granting to the State of Indiana all the unappropriated lands in this State, the proceeds of which shall be applied to common school education.

Be it further resolved, That his Excellency the Governor of the State of Indiana, be requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXX.

A Joint Resolution in relation to costs in the District and Circuit Courts of the United States in suits involving questions of Patent Rights, by patentees and their assigns who are insolvent.

[APPROVED JANUARY 21, 1850.]

WHEREAS, Suits are frequently brought in the District and Circuit Courts of the United States, against citizens of this State, involving questions of Patent Rights, by patentees and their assigns, who are insolvent: AND WHEREAS, Such suits are frequently brought in this State against her citizens from one to two hundred miles distant from the Capitol, attended with great expense by the attendance of numerous witnesses, which suits are wholly vexatious, and in the end productive of no good: AND WHEREAS, As an evidence that such suits are thus brought to vex, harass, and oppress the good citizens of this State, we now have pending in said courts more than twenty suits by the same assignee against citizens of our State, such assignments being frequently made to insolvent persons that suits may be brought, thereby avoiding the payment of costs, whilst the original patentee is solvent: For remedy whereof,

Section 1. *Be it resolved by the General Assembly of the State of Indiana*. That our Senators in Congress be instructed, and our Representatives requested to procure the passage of a law requiring hereafter that all suits brought in said courts, when the defendant or defendants shall make and file an affidavit satisfactory to the court of the inability of the plaintiff to pay the costs in the cause, and satisfying the court that said suit is thus brought to harass and oppress such defendant, the court may in their discretion in all suits now pending, or which may hereafter be brought, require said plaintiff to give security for costs in such cause, or in default thereof dismiss the same.

Be it further resolved, That his Excellency, the Governor, be directed to transmit a copy of the foregoing joint resolution to each of our Senators and Representatives in Congress immediately after its passage.

CHAPTER XXXI.

A Joint Resolution relative to granting the use of Fire Buckets to O. K. Fire Bucket Company No. 1, of Indianapolis.

[APPROVED JANUARY 21, 1850.]

Be it resolved by the General Assembly of the State of Indiana, That the use of the Fire Buckets, belonging to the State, the use of which are hereby granted to the "O. K. Fire Bucket Company No. 1, of the city of Indianapolis:" *Provided,* That said company shall return the same to the State at any time when the Governor shall so order.

CHAPTER XXXII.

A Joint Resolution to extend the privileges of the State Library.

[APPROVED JANUARY 19, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana,* That the privileges of the State Library be, and they are hereby extended to the Architect of the Insane Hospital and Asylum for the Deaf and Dumb.

CHAPTER XXXIII.

A Joint Resolution authorizing the Officers of State to procure a suitable room for the sittings of the Convention.

[APPROVED JANUARY 21, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana,* That so much of the act entitled "an act to provide for the call of a Convention of the people of the State of Indiana, to revise, amend, or alter the Constitution of said State," as relates to

the fitting up of the Hall of Representatives for the reception of the Convention, under the supervision of the Librarian, be and the same is hereby suspended until the next meeting of this General Assembly; and the Governor and Auditor and Treasurer of State are hereby authorized to provide suitable accommodations for the same, either in the Representative's Hall or in the Masonic Hall, or in other suitable building, at their option: *Provided,* The entire rent of any Hall selected for said purpose, shall not exceed the sum of one hundred dollars per month.

Sec. 2. This joint resolution to be in force from and after its passage.

CHAPTER XXXIV.

A Joint Resolution providing for the purchase of land for the Deaf and Dumb Asylum.

[APPROVED, JANUARY 14, 1850.]

WHEREAS, It has at all times been the desire of the Legislature that the operations of the benevolent institutions of the State should be carried on with the least expense consistent with their permanent prosperity; AND WHEREAS, The rapid increase of pupils in the Asylum for educating the Deaf and Dumb plainly points out the propriety of connecting agriculture on a much larger scale than was at first anticipated, as a measure of economy with the future progress of the institution; Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the trustees of the aforesaid asylum be and are hereby authorized to purchase for its use a quantity of land not exceeding one hundred acres in addition to the amount now held by the said asylum.

CHAPTER XXXV.

A Joint Resolution in relation to publishing an act therein mentioned.

[APPROVED JANUARY 16, 1850.]

WHEREAS, The General Assembly of the State of Indiana, at the session of 1848-9, passed an act entitled "an act to regulate the time of holding courts in the fifth judicial circuit," which act was not published in the acts of said session; Therefore,

Section 1. *Be it resolved by the General Assembly of the State of Indiana,* That the Secretary of State cause the act entitled "an act to regulate the time of holding courts in the fifth judicial circuit," passed at the last session of the General Assembly, to be incorporated and published with the acts of the present session.

CHAPTER XXXVI.

A Joint Resolution authorizing the reports from the State Bank and the Commissioners of the Sinking Fund to be made on the second week of the session.

[APPROVED DECEMBER 21, 1850.]

Section 1. *Be it resolved by the General Assembly of the State of Indiana,* That the reports called for by the Bank charter from the State Bank, and the Commissioners of the Sinking Fund, may be made on the second week of the session of the General Assembly.

Sec. 2. This joint resolution to take effect and be in force from and after its passage.

CHAPTER XXXVII.

A Joint resolution declaratory of the rights of John Stockton, an insane person.

[APPROVED JANUARY 12, 1850.]

WHEREAS, It appears to the satisfaction of the Superintendent of the Indiana Hospital for the Insane, that John Stockton has been very recently afflicted with symptoms of mental derangement, and from the certificates of his physicians his case is presumed to be curative if he can seasonably be admitted as a patient into said Hospital; AND WHEREAS, Said John Stockton was from boyhood raised in this State, his father having lived and died here, and his mother and most of his remaining friends and relations being citizens of this State; but the said John, then and still an unmarried man, having a few years ago left this State and gone to Missouri and Wisconsin successively, where he was employed in mining and other pursuits, but about three months ago returned to Indiana, with intention to become domiciliated and to remain here, and fixed his residence with his friends in Wabash township, Tippecanoe county, leaving no property either real or personal in Missouri or Wisconsin, and since his return to Indiana became insane as aforesaid; AND WHEREAS, In consequence of his temporary absence from Indiana as aforesaid, doubts have been entertained whether he now has such a settlement in this State as to admit him into said Hospital as a patient; Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the said John Stockton shall be considered to have a legal settlement in said township of Wabash, in Tippecanoe county, in this State, and as to his residence and settlement shall be considered and deemed entitled to admission into said Hospital as a patient, on the requisition of the law being in other respects complied with.

This joint resolution to be in force from and after its passage.

STATE OF INDIANA, }
SECRETARY OF STATE'S OFFICE, } SS:

I, Charles H. Test, Secretary of State for the State aforesaid, certify that I have compared the foregoing with the enrolled Acts and Joint Resolutions from which they were taken, now on file in my office, and have found them correctly printed. Words included [thus] were by me inserted to aid the sense.

{ L.S. }

In witness whereof I have hereunto set my hand and affixed the seal of the State, at Indianapolis, this 17th day of April, A. D. 1850.

CHARLES H. TEST,
Secretary of State

EXTRACTS

FROM THE REPORT OF THE AUDITOR OF STATE,

For the year ending October 31, 1849.

AUDITOR OF STATE'S OFFICE,
Indianapolis, November 8th, 1849. }

To the General Assembly :

In conformity with the law which requires me "to exhibit to the General Assembly, at its regular meeting, a complete statement of the revenues, taxables, funds, resources, incomes, and property of the State," as well as "the expenditures of the preceding fiscal year," I respectfully submit to you the following statement of the condition of the finances of the State, and the receipts and disbursements at the Treasury for the fiscal year, commencing November 1st, 1848, and ending October 31st, 1849.

For the purpose of rendering the operations of this Department easily understood, the various matters are presented under the following heads:

I. A General Statement of the Receipts and Expenditures during the past year.

II. A Statement of the several appropriations, the amount expended, and the balance remaining unexpended of the several appropriations.

III. An estimate of the Receipts and Disbursement of the present year.

IV. The State Debt.

V. A Statement in detail of the Receipts and Expenditures of the various Trust Funds, including the funds for the Benevolent Institutions.

VI. Internal Improvements.

VII. Explanations of the Tabular Statements.

1. A GENERAL STATEMENT OF THE RECEIPTS AND EXPENDITURES DURING THE YEAR 1849.

RECEIPTS.

There was remaining in the Treasury, at the close of the last fiscal year, ending October 31, 1848, the sum of - - - \$694,096 09

During the financial year, ending October 31, 1849, the following amounts were received, to-wit :

| | |
|---|------------|
| On account of Revenue of 1847, the sum of - | 1,456 10 |
| On account of Revenue of 1848, the sum of - | 402,797 77 |
| On account of Delinquent Revenue of 1847, the sum of | 39,188 59 |
| On account of Delinquent Revenue of 1848, the sum of | 207 76 |
| On account of Revised Statutes, - - - | 188 85 |
| On account of Estates without Heirs, - - - | 119 00 |
| On account of Common School Fund, (five per cent. Scrip.) derived from Bank profits, - - - | 58,489 13 |
| On account of Bank Tax Fund derived from the several Branches of the State Bank, - - - | 2,845 00 |
| On account of Incidental Receipts, - - - | 3 00 |
| On account of Loans of Treasury Fund refunded, - | 755 80 |
| On account of interest on loans of Treasury Fund, - | 71 42 |
| On account of damages on sales of lands mortgaged to Treasury Fund, - - - - - | 22 50 |
| On account of costs of advertising sales of land mortgaged to Treasury Fund, - - - - - | 2 00 |
| On account of loans of Congressional Township Fund refunded, - - - - - | 660 00 |
| On account of interest on loans of Congressional Township Fund, - - - - - | 96 66 |
| On account of Congressional Township Fund from Trustees of Town. 10, Range 13, Ripley county, - | 45 00 |
| On account of loans of University Fund refunded, - | 4,884 41 |
| On account of interest on loans of University Fund, - | 5,221 81 |
| On account of damages on sales of lands mortgaged to University Fund, - - - - - | 165 00 |
| On account of costs of Advertising University Fund refunded, - - - - - | 46 00 |
| On account of sales of University lands in Gibson and Monroe counties, - - - - - | 1,290 25 |
| On account of interest on sales of University lands, - | 610 44 |
| On account of loans of Bank Tax Fund refunded, - | 1,234 42 |
| On account of interest on loans of Bank Tax Fund, - | 740 67 |
| On account of damages on sales of lands mortgaged to Bank Tax Fund, - - - - - | 41 78 |

| | |
|---|------------|
| On account of costs of advertising Bank Tax Fund refunded, - - - - - | 12 00 |
| On account of sales of Saline lands in Orange and Washington counties, - - - - - | 826 74 |
| On account of interest on sales of Saline lands, - | 414 32 |
| On account of loans of Saline fund refunded, - | 2,225 00 |
| On account of interest on loans of Saline Fund, - | 1,308 49 |
| On account of damages on sales of lands mortgaged to the Saline Fund, - - - - - | 23 25 |
| On account of costs of advertising Saline Fund refunded, - - - - - | 8 00 |
| On account of loans of Surplus Revenue Fund refunded, - - - - - | 150 00 |
| On account of interest on loans of Surplus Revenue Fund, - - - - - | 192 02 |
| On account of Dividends on Saline Fund Bank Stock, - | 1,994 28 |
| On account of Dividends on Bank Tax Fund Bank Stock, - - - - - | 320 75 |
| On account of Rents from State Prison, - - - | 24,620 14 |
| On account of sales of Stock in Madison and Indianapolis Rail Road Company, - - - - - | 10,792 00 |
| On account of Dividends on State's Stock in Madison and Indianapolis Rail Road Company, - - - | 3,097 00 |
| On account of sales of Lots in the town of Indianapolis, - - - - - | 400 00 |
| On account of interest on sales of Lots in Indianapolis, - - - - - | 161 25 |
| On account of interest on six per cent. Treasury Notes refunded, - - - - - | 10 00 |
| On account of Lawrenceburgh and Indianapolis Rail Road Company, - - - - - | 795 56 |
| On account of Water Rents on Northern Division of Central Canal, - - - - - | 522 95 |
| On account of Tolls on New Albany and Vincennes Road, - - - - - | 10,516 01 |
| On account of Tippecanoe Battle Ground Monument, - | 1 69 |
| On account of Tolls and Water Rents on Wabash and Erie Canal, - - - - - | 149,232 76 |
| On account of sales of lands E. and W. of Tippecanoe, by Trustees, - - - - - | 14,747 75 |
| On account of Wabash and Erie Canal Lands in Vincennes District, - - - - - | 77,328 02 |
| On account of interest on Deposites in Bank, by Trustees, - - - - - | 7,070 07 |
| On account of Wabash and Erie Canal Scrip West, by Trustees, - - - - - | 11,600 00 |
| On account of Wabash and Erie Canal Scrip East, by Trustees, - - - - - | 23,983 01 |
| On account of interest on Wabash and Erie Canal Scrip East, by Trustees, - - - - - | 5,774 65 |

| | |
|---|----------|
| On account of Premium and Exchange by Trustees, | 2,132 38 |
| On account of subscription by Bondholders - | 800 00 |

| | |
|--|-----------------------|
| Total receipts from November 1st, 1848, to October 31st, 1849, (including balance on hand November 1st, 1848,) - | <u>\$1,566,339 44</u> |
|--|-----------------------|

EXPENDITURES.

There were audited during the financial year ending October 31st, 1849, the following sums, viz :

| | |
|--|------------|
| On account of Probate Judges, - | \$5,066 00 |
| On account of State Prison, - | 2,475 04 |
| On account of New State Prison, - | 25,318 14 |
| On account of Salaries of Judges, - | 16,662 67 |
| On account of State House, - | 329 73 |
| On account of General Assembly, - | 28,465 86 |
| On account of Specific Appropriations, - | 1,202 62 |
| On account of Public Printing and Binding, - | 7,471 22 |
| On account of Prosecuting Attorneys, - | 570 00 |
| On account of Adjutant and Quarter Master Generals, - | 1,226 74 |
| On account of transporting Public Arms, - | 217 60 |
| On account of Salaries of Executive Officers, - | 4,496 66 |
| On account of International Exchanges, - | 250 55 |
| On account of State Library, - | 751 99 |
| On account of Stationery and Fuel, - | 3,416 36 |
| On account of Contingent Fund, - | 842 12 |
| On account of Presidential Election, - | 588 72 |
| On account of Governor's House, - | 154 28 |
| On account of Distribution of Laws and Journals of 1849, - | 532 58 |
| On account of Revenue of 1839 refunded, - | 28 80 |
| On account of Revenue of 1841 refunded, - | 7 84 |
| On account of Revenue of 1843 refunded, - | 4 18 |
| On account of Revenue of 1844 refunded, - | 21 57 |
| On account of Revenue of 1845 refunded, - | 4 71 |
| On account of Revenue of 1846 refunded, - | 33 40 |
| On account of Revenue of 1847 refunded, - | 77 21 |
| On account of Revenue of 1848 refunded, - | 2,548 62 |
| On account of Delinquent Revenue of 1847 refunded, - | 92 89 |
| On account of Salaries of Professors, in State University, - | 3,750 00 |
| On account of Interest on Public Debt, - | 188,344 00 |
| On account of Salary of State Agent, - | 1,000 00 |
| On account of Incidental Expenses of State Agent, including interest on Bank Loans and Exchange, - | 11,602 67 |

| | |
|--|-----------|
| On account of stock in Madison and Indianapolis Rail Road, - | 5,363 35 |
| On account of six per cent. Treasury Notes, - | 62,740 00 |
| On account of Interest on six per cent. Treasury Notes, - | 27,661 66 |
| On account of quarter per cent. Treasury Notes, - | 31,565 00 |
| On account of Interest on quarter per cent. Treasury Notes, - | 369 79 |
| On account of 5 per cent. Treasury Notes, - | 56,350 00 |
| On account of Interest on 5 per cent. Treasury Notes, - | 16,679 60 |
| On account of Hospital for the Insane, - | 20,331 00 |
| On account of Education for the Blind, - | 15,146 89 |
| On account of Deaf and Dumb Asylum, - | 26,370 00 |
| On account of three per cent. fund, - | 193 12 |
| On account of expenses of Treasury Notes, - | 279 00 |
| On account of Saline Fund distributed, - | 5,005 62 |
| On account of sales of Saline lands refunded, - | 252 50 |
| On account of Interest on Saline fund refunded, - | 6 75 |
| On account of Saline fund Bank Stock, - | 200 00 |
| On account of expenses of Saline fund, - | 20 32 |
| On account of loans of University fund, - | 4,850 00 |
| On account of expenses of University fund, - | 128 75 |
| On account of Bank tax fund distributed, - | 4,486 77 |
| On account of Bank tax fund from Banks refunded, - | 295 38 |
| On account of Surplus Revenue distributed, - | 1,113 05 |
| On account of loans of Congressional Township fund, - | 700 00 |
| On account of Interest on Congressional Township fund distributed, - | 132 06 |
| On account of repairs of Central Canal, - | 2,060 05 |
| On account of incidental expenses of Central Canal, - | 295 50 |
| On account of construction of New Albany Road, - | 451 85 |
| On account of repairs of New Albany Road, - | 6,854 68 |
| On account of damages of New Albany Road, - | 10 00 |
| On account of expenses of New Albany Road, - | 3,199 48 |
| On account of W. and E. Canal Scrip West, cancelled, - | 36,985 00 |
| On account of expenses of W. and E. Canal, West, - | 63 00 |
| On account of W. and E. Canal Scrip, East, cancelled, - | 41,667 06 |
| On account of interest on W. and E. Canal Scrip, East, - | 6,838 26 |
| On account of incidental expenses of W. and E. Canal Scrip, East, - | 72 00 |
| On account of expenses of Land Office of Vincennes Land District, by Trustees, - | 969 16 |
| On account of expenses of Land Office for lands East and West of Tippecanoe, at Logansport, by Trustees, - | 3,767 32 |
| On account of ordinary repairs of Wabash and Erie Canal, by Trustees, - | 30,597 94 |
| On account of extraordinary repairs of Wabash and Erie Canal, by Trustees, - | 9,311 80 |

| | | |
|--|--------------------|-----------|
| On account of expenses of survey and locating Wabash and Erie Canal, by Trustees, - - - | 13,581 | 84 |
| On account of construction of Wabash and Erie Canal between Coal Creek and Terre Haute, by Trustees, - - - | 247,082 | 22 |
| On account of construction of Wabash and Erie Canal between Terre Haute and Point Commerce, by Trustees, - - - | 103,982 | 36 |
| On account of construction of Wabash and Erie Canal between Point Commerce and Newberry, by Trustees, - - - | 2,443 | 75 |
| On account of construction of Wabash and Erie Canal on Patoka summit, by Trustees, - - - | 3,969 | 57 |
| On account of expenses of superintending Wabash and Erie Canal, by Trustees, - - - | 6,585 | 99 |
| On account of salaries and office expenses of toll-collectors of Wabash and Erie Canal, by Trustees, - - - | 4,221 | 35 |
| On account of interest to subscribers of \$800,000 to Wabash and Erie Canal, paid by Trustees, - - - | 9,441 | 94 |
| On account of repairs to Wabash and Erie Canal above Evansville, by Trustees, - - - | 1,536 | 75 |
| On account of moneys refunded to purchasers of Wabash and Erie Canal lands, by Trustees, - - - | 480 | 00 |
| On account of general expenses of Wabash and Erie Canal, by Trustees, - - - | 13,134 | 00 |
| Whole amount audited from Nov. 1, 1848, to October 31, 1849, inclusive, - - - | <u>\$1,137,398</u> | <u>25</u> |

STATE OF THE TREASURY.

| | | |
|---|--------------------|-----------|
| Balance in the Treasury on the 31st of October, 1848, as shown by the last annual report, - - - | \$694,096 | 09 |
| Total amount of receipts into the Treasury on account of all funds during the year ending Oct. 31, 1849, - - - | 872,243 | 35 |
| | <u>\$1,566,339</u> | <u>44</u> |
| Amount of warrants drawn on the Treasury on all accounts during the year ending October 31, 1849, as above, - - - | 1,137,398 | 25 |
| Balance in the Treasury on the 31st of Oct., 1849, - - - | <u>\$428,941</u> | <u>19</u> |

This statement presents, as usual, a large apparent balance in favor of the Treasury, and, without explanation, would be calculated to make an erroneous impression as to the true condition of

the Treasury. A large portion of it consists of Treasury Notes and Wabash and Erie Canal Scrip, which have been redeemed and are ready for cancellation; and over \$200,000 is a balance to the credit of the Trustees of the Wabash and Erie Canal, whose accounts the law requires to be kept in this office, although no money is ever received or paid out here. The available means actually on hand is very small, but it is hoped there will be sufficient to meet the demands upon the Treasury until it shall be relieved by receipts on account of the revenue of 1849.

The collections on account of State revenue of 1848, and previous delinquencies, exceeded the estimates several thousand dollars, and all the calculations of last year would have been fully realized had it not been for the unexpected amount of Treasury Notes thrown upon the Treasury. The estimates made for the receipts and expenditures of the year that is just closed, were predicated upon the reception of only \$100,000 of all kinds of Scrip, principal and interest. The amount actually received, principal and interest, exceed \$156,000. From some counties, as I learn from the Treasurer, nearly the whole revenue was paid in Scrip, and from many counties a very large proportion of it was received in that kind of funds. It is true that the redemption of so large an amount of Treasury Notes will show a gratifying reduction of our domestic indebtedness, but still it increased the difficulty of meeting the usual demands upon the Treasury, and paying the interest on our foreign debt. This source of embarrassment upon the Treasury, however, must soon terminate, as two years more will, in all probability, absorb the entire amount of those kinds of Scrip which are received only for revenue. The Bank (or five per cent.) Scrip will of course be mostly redeemed through the Sinking Fund.

The interest on our Public Debt, together with the incidental expenses attending it, has still been promptly paid when it fell due. At the period of making the last annual report from this office, the Treasury was indebted to the amount of \$40,000 for money borrowed to pay the interest due July, 1848. That debt, and the interest due for January and July, 1849, have all been paid, and the State is indebted for money borrowed, the sum of \$79,000, which is due the 1st of January next. Upon the estimate that only \$100,000 of the revenue would be received in Treasury Notes, and that \$50,000 would cover the amounts to which the Treasury would be indebted to the Deaf and Dumb, Lunatic, and Blind Asylums, the probable deficiency was computed at \$24,000. This amount would have considerably more than covered the anticipated deficiency if it had not been for the \$56,000 additional of Treasury Notes received, and upwards of \$10,000 of an increase to the Benevolent Institutions over the amount estimated.

Under the authority of the laws of the last session of the Legislature authorizing temporary loans to pay the January and July interest, the requisite amounts were obtained without difficulty from the Sinking Fund and the Branches of the State Bank. The

same difficulty which has been heretofore encountered in the payment of the January interest will occur again this winter. But little if any means will be in the Treasury applicable to the payment of that interest. It was hoped that, under the Joint Resolution of the General Assembly, approved Jan. 5, 1849, an arrangement might be made to postpone the payment of the January interest until after the regular period for the receipts of the revenue from County Treasurers, interest being allowed from the 1st of January to the period fixed for the payment, subsequent to the 1st of March. The State Agent labored assiduously to accomplish the object contemplated by the resolution, but in consequence of the refusal of a considerable number of the bondholders to enter into the arrangement, the effort to effect a postponement has probably failed. If this be so, the interest will have to be met in January, either by another temporary loan if it can be obtained, or by issuing Certificates as authorized by the proviso to the 3d section of the act supplementary to the "act to provide for the Funded Debt of the State," &c. The importance of the subject will undoubtedly ensure for it the early consideration of the Legislature.

The ordinary expenditures of the State Government, for the year ending October 31, 1849, have been as follows, viz:

| | | | |
|---|---|-----------------|-----------|
| Amount audited on account of Probate Judges, - | - | \$5,066 | 00 |
| Amount audited on account of State Prison, - | - | 2,475 | 00 |
| Amount audited on account of Judiciary, - | - | 16,662 | 67 |
| Amount audited on account of Specific Appropriations, - | - | 1,202 | 62 |
| Amount audited on account of Public Printing and Binding, - | - | 7,471 | 22 |
| Amount audited on account of State House, - | - | 329 | 73 |
| Amount audited on account of Prosecuting Attorneys, - | - | 570 | 00 |
| Amount audited on account of Legislature, - | - | 28,465 | 86 |
| Amount audited on account of State Library, - | - | 751 | 99 |
| Amount audited on account of Governor's House, - | - | 154 | 28 |
| Amount audited on account of Executive Officers, - | - | 4,466 | 66 |
| Amount audited on account of Stationery and Fuel, - | - | 3,416 | 36 |
| Amount audited on account of Militia, - | - | 1,326 | 74 |
| Amount audited on account of Public Arms, - | - | 217 | 60 |
| Amount audited on account of Contingent Fund, - | - | 842 | 12 |
| Amount audited on account of Distribution of Laws, - | - | 532 | 58 |
| Amount audited on account of Presidential Election, - | - | 588 | 72 |
| | | <u>\$74,470</u> | <u>19</u> |

In the last annual report the amount which it was estimated would be necessary to meet the ordinary expenditures was \$72,000, which, it will be seen, was within about \$2,500 of the amount audited for those purposes. The item of \$588 72 on account of the Presidential Election, was not taken into the account when that esti-

mate was made; and the Militia account was increased over \$1,000 by an allowance made by the Legislature to the Adjutant General for services growing out of the Mexican War. The Judiciary account was also largely increased by the payment of salaries and incidental expenses which were previously due and undrawn. With these exceptions the estimates would have exceeded the expenditures. The amount expended during the last fiscal year for ordinary purposes is nearly \$5,000 less than it was in 1848, and upwards of \$16,000 less than it was in 1847.

* * * * *

III. ESTIMATES FOR 1850.

RECEIPTS.

| | | | | |
|--|---|---|----------------|------------------|
| Assessment for State purposes on the entire amount of property in the State, say \$134,000,000 at 30 cents on the \$100, - | - | - | - | \$402,000 |
| Amount of poll tax on 143,000 polls at 75 cents each, - | - | - | - | 107,250 |
| | | | | <u>\$509,250</u> |
| Deduct one-sixth for delinquency in collections, - | - | - | \$84,875 | |
| Deduct also for costs of collections, and deductions, - | - | - | 25,000 | |
| | | | <u>109,875</u> | |
| | | | | <u>\$399,375</u> |
| To which add delinquencies of previous years which will probably be collected, - | - | - | - | 40,000 |
| Amount of revenue from Branches of State Bank, - | - | - | - | 5,000 |
| Dividends from State's Stock in Madison and Indianapolis Railroad Company, about, - | - | - | - | 2,000 |
| From miscellaneous sources, say - | - | - | - | 5,000 |
| | | | | <u>\$451,375</u> |

EXPENDITURES.

| | |
|--|----------|
| Amount due the Banks for July interest, - | \$79,000 |
| For Deaf and Dumb, Lunatic, and Blind Asylums, about - | 62,000 |
| Ordinary expenditures of the State, - | 72,000 |
| For balances of Trust Funds due, - | 10,000 |

For interest on State debt due in January
and July, 1850, including incidental ex-
penses, - - - - 193,000

Estimated expenditures, - - - - \$416,000

Estimated balance of receipts over expenditures, (leav-
ing out of the calculation the Treasury Notes which
will be received for revenue of 1850,) - - - \$35,375

The foregoing is as correct an estimate of the resources and liabilities of the Treasury as can be made from the data on hand. The law requiring county auditors to transmit to this office, on or before the 1st of October in each year, "a complete abstract of the property, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof," had not been complied with, in a number of cases, at the time of making this estimate; and consequently neither the value of the taxables, the number of polls, nor the amount of tax levied, can be stated with entire accuracy.

By this estimate it will be seen, that if there were no Treasury Notes to redeem, the receipts into the Treasury would pay the State expenditures, discharge the liability incurred in the payment of the last July interest of the State Debt, pay the interest due in January and July, 1850, and leave a balance of \$35,375 in the Treasury. The amount of Treasury Notes that may come into the Treasury for revenue during the current year, is so uncertain, and depends upon so many contingencies, that it is not deemed prudent to hazard a prediction on the subject. The amount actually outstanding will be shown under the head of Domestic Debt.

Since the foregoing was prepared for the press, a certified copy has been received of an award in favor of Patrick McGinley, for upwards of \$20,000, under authority of a law for his relief, passed by the legislature in February, 1848—accompanied by an agreement between the Governor and Mr. McGinley to reduce the amount to \$16,000, besides costs, and postpone the payment of it until the 1st of March next. No appeal having been taken from the award within the time limited by the law, that amount will be an additional burden upon the Treasury, and will of course affect the above calculation to that extent.

The *ordinary* expenditures of the current year may be estimated as follows, viz:

| | |
|--|-------------|
| On account of Legislature, - - - - | \$28,000 00 |
| On account of Judiciary, - - - - | 16,500 00 |
| On account of Executive Officers, - - - - | 5,000 00 |
| On account of Public Printing and Binding, - - - - | 6,500 00 |
| On account of Probate Judges, - - - - | 4,500 00 |

| | |
|--|--------------------|
| On account of Specific Appropriations, - - - | 2,500 00 |
| On account of Stationery and Fuel, - - - | 3,500 00 |
| On account of State Prison, - - - | 2,500 00 |
| On account of Distribution of Laws, &c., - - - | 500 00 |
| On account of Militia, - - - | 200 00 |
| On account of State Library, - - - | 800 00 |
| On account of State House, - - - | 200 00 |
| On account of Governor's House, - - - | 200 00 |
| On account of Governor's Circle, - - - | 500 00 |
| On account of Public Arms, - - - | 100 00 |
| On account of Contingent Fund, - - - | 500 00 |
| | <u>\$72,000 00</u> |

IV. STATE DEBT.

FOREIGN STATE DEBT.

| | |
|---|---------------------|
| Bonds issued for Internal Improvement System, - | \$8,900,000 |
| Bonds issued for Wabash and Erie Canal, - | 1,727,000 |
| Bonds issued for State Bank of Indiana, - | 2,413,000 |
| Bonds issued for 4th instalment Surplus Revenue, - | 294,000 |
| Bonds issued for Madison and Indianapolis Railroad, - | 456,000 |
| Bonds issued for Lawrenceburgh and Indianapolis Railroad, - | 221,000 |
| Bonds, 7 per cent., issued to pay interest on Bonds, - | 1,100,000 |
| Making total amount issued, - - - | <u>\$15,111,000</u> |

BONDS REDEEMED AND CANCELLED.

| | |
|--|---------------------|
| Surplus Revenue Bonds, - - - | \$294,000 |
| Lawrenceburgh and Indianapolis Railroad Bonds, - | 189,000 |
| Internal Improvement Bonds, - - - | 426,000 |
| Irregular Bonds cancelled as not sold, - - - | 700,000 |
| Total redeemed and cancelled, - - - | <u>\$1,609,000</u> |
| Add for Bonds on which the Bank pays interest and is to redeem principal, - - - | 1,390,000 |
| Add for 7 per cent. Bonds issued but never sold, - | 1,064,000 |
| Making a total of, - - - | <u>\$4,063,000</u> |
| The whole amount issued as above, is - - - | <u>15,111,000</u> |
| Total amount of Bonds outstanding prior to surrender, under State debt arrangement with holders, - - - | <u>\$11,048,000</u> |

BONDS SURRENDERED.

WABASH AND ERIE CANAL BONDS.

| | |
|---|--------------------|
| 678 Bonds surrendered by subscribers prior to July 1st, 1847, - - - - - | \$678,000 |
| 277 Bonds surrendered by non-subscribers prior to July 1st, 1847, - - - - - | 277,000 |
| 164 Bonds surrendered by subscribers to January 1st, 1848, - - - - - | 165,000 |
| 54 Bonds surrendered by non-subscribers to January 1st, 1848, - - - - - | 54,000 |
| 41 Bonds surrendered by non-subscribers to July 1st, 1848, - - - - - | 41,000 |
| 8 Bonds surrendered by non-subscribers to July 1st, 1849, - - - - - | 8,000 |
| Total surrendered to July 1st, 1849, - - - - - | <u>\$1,223,000</u> |

INTERNAL IMPROVEMENT BONDS.

| | |
|---|--------------------|
| 5662 Bonds surrendered by subscribers to July 1st, 1847, - - - - - | \$5,662,000 |
| 353 Bonds surrendered by non-subscribers to July 1st, 1847, - - - - - | 353,000 |
| 478 Bonds surrendered by subscribers to January 1st, 1848, - - - - - | 478,000 |
| 146 Bonds surrendered by non-subscribers to Jan. 1st, 1848, - - - - - | 146,000 |
| 45 Bonds surrendered by non-subscribers to July 1st, 1848, - - - - - | 45,000 |
| 118 Bonds surrendered by non-subscribers to July 1st, 1849, - - - - - | 118,000 |
| Total surrendered to July 1st, 1849, - - - - - | <u>\$6,802,000</u> |

MADISON AND INDIANAPOLIS RAIL ROAD BONDS.

| | |
|--|-----------|
| 300 Bonds surrendered by subscribers to July 1st, 1847, - - - - - | \$300,000 |
| 28 Bonds surrendered by non-subscribers to July 1st, 1849, - - - - - | 28,000 |
| 16 Bonds surrendered by subscribers to January 1st, 1848, - - - - - | 16,000 |

| | |
|--|------------------|
| 2 Bonds surrendered by non-subscribers to January 1st, 1848, - - - - - | 2,000 |
| 2 Bonds surrendered by non-subscribers to July 1st, 1848, - - - - - | 2,000 |
| 4 Bonds surrendered by non-subscribers to July 1st, 1849, - - - - - | 4,000 |
| Total surrendered to July 1st, 1849, - - - - - | <u>\$352,000</u> |

LAWRENCEBURGH AND INDIANAPOLIS RAIL ROAD BONDS.

| | |
|---|-----------------|
| 68 Bonds surrendered by subscribers to July 1st, 1847, - - - - - | \$68,000 |
| 3 Bonds surrendered by subscribers to Jan. 1st, 1848, - - - - - | 3,000 |
| 1 Bond surrendered by non-subscribers to January 1st, 1848, - - - - - | 1,000 |
| 4 Bonds surrendered by non-subscribers to July 1st, 1849, - - - - - | 4,000 |
| Total surrendered to July 1st, 1849, - - - - - | <u>\$76,000</u> |

STATE BANK BONDS.

| | |
|--|------------------|
| 719 Bonds surrendered by subscribers to July 1st, 1847, - - - - - | \$719,000 |
| 27 Bonds surrendered by non-subscribers to July 1st, 1847, - - - - - | 27,000 |
| 52 Bonds surrendered by subscribers to Jan. 1st, 1848, - - - - - | 52,000 |
| 8 Bonds surrendered by non-subscribers to January 1st, 1848, - - - - - | 8,000 |
| 4 Bonds surrendered by non-subscribers to July 1st, 1848, - - - - - | 4,000 |
| 28 Bonds surrendered by non-subscribers to July 1st, 1849, - - - - - | 28,000 |
| Total surrendered to July 1st, 1849, - - - - - | <u>\$838,000</u> |

SEVEN PER CENT. BONDS ISSUED TO PAY INTEREST.

| | |
|---|-----------------|
| 18 Bonds surrendered by subscribers to July 1st, 1847, - - - - - | \$18,000 |
| 3 Bonds surrendered by non-subscribers to July 1st, 1847, - - - - - | 3,000 |
| 1 Bond surrendered by non-subscribers to January 1st, 1848, - - - - - | 1,000 |
| 7 Bonds surrendered by non-subscribers to July 1st, 1848, - - - - - | 7,000 |
| Total surrendered to July 1st, 1849, - - - - - | <u>\$29,000</u> |

RECAPITULATION OF BONDS SURRENDERED.

| | | |
|--|---|--------------------|
| Bonds outstanding at period of arrangement of State debt July 1st, 1847, | - | \$11,048,000 |
| The amount surrendered up to July 1st, 1849, | - | 9,320,000 |
| Leaving outstanding July 1st, 1849, | - | <u>\$1,728,000</u> |

STATE STOCKS.

STATE FIVE PER CENT. STOCK.

The amount of half the principal and interest of bonds surrendered, chargeable to the State Treasury, for which five per cent. State Stock issued, is as follows, viz :

| | | |
|--|---|-------------|
| Stock to subscribers to July 1st, 1847, | - | \$3,722,500 |
| Stock to non-subscribers to July 1st, 1847, | - | 344,000 |
| Stock to subscribers to January 1st, 1848, | - | 357,000 |
| Stock to non-subscribers to January 1st, 1848, | - | 106,000 |
| Stock to non-subscribers to July 1st, 1848, | - | 49,500 |
| Stock to non-subscribers to July 1st, 1849, | - | 81,000 |

Total 5 per cent. State Stock to July 1st, 1849, - \$4,660,000

TWO AND ONE-HALF PER CENT. STATE STOCK.

The amount of one-half the interest and one per cent. of the principal of the Bonds surrendered chargeable to the State Treasury, for which State Stock issued with interest, at the rate of 2½ per cent. commencing in 1853, is as follows, viz :

| | | |
|--|---|----------------|
| Stock to subscribers to July 1st, 1847, | - | \$1,327,948 00 |
| Stock to non-subscribers to July 1st, 1847, | - | 121,852 50 |
| Stock to subscribers to January 1st, 1848, | - | 126,530 00 |
| Stock to non-subscribers to January 1st, 1848, | - | 38,337 00 |
| Stock to non-subscribers to July 1st, 1848, | - | 18,675 00 |
| Stock to subscribers for one-half of coupons on Bonds surrendered to January 1st, 1848, | - | 7,950 00 |
| Stock to non-subscribers for one-half of coupons on Bonds surrendered to July 1st, 1848, | - | 1,325 00 |

| | | |
|--|---|-----------|
| Stock to non-subscribers for one-half of coupons on Bonds surrendered to July 1st, 1849, | - | 33,570 00 |
|--|---|-----------|

| | | |
|--|---|----------------|
| Total 2½ per cent. State Stock issued to July 1st, 1849, | - | \$1,676,207 50 |
| Deduct for 2½ per cent. Stock redeemed up to July 1st, 1849, | - | 20,000 00 |

| | | |
|--|---|-----------------------|
| Total of 2½ per cent. State Stock outstanding to July 1st, 1849, | - | <u>\$1,656,207 50</u> |
|--|---|-----------------------|

PREFERRED FIVE PER CENT. CANAL STOCK.

The amount of one-half the principal and interest on Bonds surrendered chargeable to the canal, for which 5 per cent. Stock issued to subscribers of \$800,000 to canal, is as follows, viz :

| | | |
|---|---|-------------|
| Stock to subscribers prior to July 1st, 1847, | - | \$3,722,500 |
| Stock to subscribers to July 1st, 1848, | - | 357,000 |

Total preferred Canal Stock issued to July 1st, 1849, \$4,079,500

DEFERRED FIVE PER CENT. CANAL STOCK.

The amount of one-half the principal and interest on Bonds surrendered chargeable to canal, for which 5 per cent. stock issued to non-subscribers to \$800,000 loan to canal, is as follows, viz :

| | | |
|---|---|-----------|
| Stock to non-subscribers prior to July 1st, 1847, | - | \$344,000 |
| Stock to non-subscribers to Jan. 1st, 1848, | - | 106,000 |
| Stock to non-subscribers to July 1st, 1848, | - | 49,500 |
| Stock to non-subscribers to July 1st, 1849, | - | 81,000 |

Total issued to July 1st, 1849, - \$580,500

SPECIAL PREFERRED TWO AND ONE-HALF PER CENT. CANAL STOCK.

The amount of one-half of the interest on Wabash and Erie Canal Bonds surrendered chargeable to canal, for which 2½ per cent. stock issued to subscribers of \$800,000, as loan to Canal, is as follows, viz :

| | | |
|---|---|-------------|
| Stock to subscribers prior to July 1st, 1847, | - | \$1,106,725 |
| Stock to subscribers to July 1st, 1848, | - | 98,950 |

| | |
|---|--------------------|
| Stock to subscribers for one-half of coupons surrendered to July 1st, 1848, | 7,950 |
| Total issued to July 1st, 1849, | <u>\$1,213,625</u> |

SPECIAL DEFERRED TWO AND ONE-HALF PER CENT. CANAL STOCK.

The amount of one-half the interest on Wabash and Erie Canal Bonds surrendered, chargeable to Canal, for which $2\frac{1}{2}$ per cent. Stock issued to non-subscribers to loan of \$800,000 to Canal, is as follows, viz:

| | | |
|--|---|---------------------|
| Stock to non-subscribers prior to July 1, 1847, | - | \$101,212 50 |
| Stock to non-subscribers to January 1, 1848, | - | 30,587 50 |
| Stock to non-subscribers to July 1, 1848, | - | 13,725 00 |
| Stock to non-subscribers, for one-half the coupons, to July 1, 1848, | - | 1,325 00 |
| Stock to non-subscribers to July 1, 1849, | - | 22,250 00 |
| Total issued to July 1, 1849, | - | <u>\$169,100 00</u> |

RECAPITULATION OF STOCKS ISSUED.

| | | |
|---|---|------------------------|
| 5 per cent. State Stock, | - | \$4,660,000 00 |
| $2\frac{1}{2}$ per cent. State Stock, | - | 1,676,207 50 |
| 5 per cent. preferred Canal Stock, | - | 4,079,500 00 |
| 5 per cent. deferred Canal Stock, | - | 580,500 00 |
| $2\frac{1}{2}$ per cent. special preferred Canal Stock, | - | 1,213,625 00 |
| $2\frac{1}{2}$ per cent. deferred Canal Stock, | - | 169,100 00 |
| Total stock issued to July 1, 1849, | - | <u>\$12,378,932 50</u> |
| Deduct for $2\frac{1}{2}$ per cent. State Stock redeemed, | - | 20,000 00 |
| Total outstanding July 1, 1849, | - | <u>\$12,358,932 50</u> |

Interest is paid by the State on State 5 per cents. only, and that at a rate of 4 per cent. until 1853, after which the rate will be 5 per cent. After 1853 the $2\frac{1}{2}$ per cent. State Stock will bear that interest.

The Canal stocks are thrown upon the Canal for their redemption, principal and interest, under the arrangement of the Public Debt of the State with the bondholders.

INTEREST ON STATE DEBT.

DIVIDEND NO. 1—INTEREST DUE JULY 1, 1847.

| | | |
|--|---|----------------|
| Amount due on 5 per cent. State Stock, | - | \$81,320 00 |
| Amount paid to Oct. 1, 1848, | - | 81,050 00 |
| Balance due Oct. 1, 1848, | - | 270 00 |
| Amount paid to April 1, 1849, | - | 180 00 |
| Balance due to April 1, 1849, | - | 90 00 |
| Amount paid to Oct. 1, 1849, | - | 20 00 |
| Balance due to Oct. 1, 1849, | - | <u>\$70 00</u> |

DIVIDEND NO. 2—INTEREST DUE JANUARY 1, 1848.

| | | |
|--|---|-----------------|
| Amount due on 5 per cent. State Stock, | - | \$90,590 00 |
| Amount paid to Oct. 1, 1848, | - | 89,810 00 |
| Balance due to Oct. 1, 1848, | - | 780 00 |
| Amount paid to April 1, 1849, | - | 300 00 |
| Balance due to April 1, 1849, | - | 480 00 |
| Amount paid to Oct. 1, 1849, | - | 280 00 |
| Balance due to Oct. 1, 1849, | - | <u>\$200 00</u> |

DIVIDEND NO. 3—INTEREST DUE JULY 1, 1848.

| | | |
|--|---|-----------------|
| Amount due on 5 per cent. State Stock, | - | \$91,580 00 |
| Amount paid to Oct. 1, 1848, | - | 89,910 00 |
| Balance due to Oct. 1, 1848, | - | 1,670 00 |
| Amount paid to April 1, 1849, | - | 1,040 00 |
| Balance due to April 1, 1849, | - | 630 00 |
| Amount paid to Oct. 1, 1849, | - | 40 00 |
| Balance due to Oct. 1, 1849, | - | <u>\$590 00</u> |

DIVIDEND NO. 4—INTEREST DUE JANUARY 1, 1849.

| | | |
|--|---|-------------|
| Amount due on 5 per cent. State Stock, | - | \$93,090 00 |
|--|---|-------------|

| | |
|---|-----------------|
| Amount paid to April 1, 1849, - - - - - | 91,350 00 |
| Balance due April 1, 1849, - - - - - | 1,740 00 |
| Amount paid to Oct. 1, 1849, - - - - - | 1,300 00 |
| Balance due Oct. 1, 1849, - - - - - | <u>\$440 00</u> |

DIVIDEND NO. 5—INTEREST DUE JULY 1, 1849,

| | |
|--|-------------------|
| Amount due on 5 per cent. State Stock, - - - - - | \$95,300 00 |
| Amount paid to Oct. 1, 1849, - - - - - | 93,474 00 |
| Balance due Oct. 1, 1849, - - - - - | <u>\$1,826 00</u> |

The foregoing statements exhibit the condition of the State Debt, from the taking effect of the new arrangement, July 1, 1847, to Oct. 1, 1849, when the State Agent made his last report.

DOMESTIC DEBT OF THE STATE.

SIX PER CENT. TREASURY NOTES.

| | |
|--|---------------------|
| Six per cent. Treasury notes outstanding October 31, | |
| 1848, - - - - - | \$272,210 00 |
| Amount cancelled up to Oct. 31, 1849, - - - - - | 62,740 00 |
| | <u>209,470 00</u> |
| Amount on hand for cancellation, - - - - - | 88,460 00 |
| Amount in circulation Oct. 31, 1849, - - - - - | <u>\$121,010 00</u> |

QUARTER PER CENT. TREASURY NOTES.

| | |
|---|--------------------|
| Amount issued from No. 1 to 20,000, - - - - - | \$100,000 00 |
| Amount redeemed in 1848, - - - - - | \$28,750 00 |
| Amount redeemed in 1849, - - - - - | 31,565 00 |
| | <u>60,315 00</u> |
| Outstanding Oct. 31, 1849, - - - - - | 39,685 00 |
| Amount in Treasury for cancellation, - - - - - | 12,165 00 |
| Balance in circulation Oct. 31, 1849, - - - - - | <u>\$27,520 00</u> |

FIVE PER CENT. BANK SCRIP.

| | |
|--|---------------------|
| Amount outstanding Oct. 31, 1848, - - - - - | \$278,585 00 |
| Amount cancelled to Oct. 31, 1849, - - - - - | 56,350 00 |
| Balance outstanding Oct. 31, 1849, - - - - - | <u>\$222,235 00</u> |
| Amount on hand for cancellation, - - - - - | 51,960 00 |
| Amount in circulation Oct. 31, 1849, - - - - - | <u>\$170,275 00</u> |

RECAPITULATION.

| | |
|--|-------------------|
| Six per cent Treasury notes in circulation, - - - - - | \$121,010 00 |
| Quarter per cent. Treasury notes in circulation, - - - - - | 27,520 00 |
| Five per cent. Bank scrip in circulation, - - - - - | <u>170,275 00</u> |
| Total of principal in circulation, - - - - - | 318,805 00 |
| Add for interest on 6 per cent. Treasury notes, - - - - - | 67,000 00 |
| Add for interest on 5 per cent. Bank scrip, - - - - - | <u>67,000 00</u> |

| | |
|---|-------------------|
| Total of Domestic Debt Oct. 31, - - - - - | \$452,805 00 |
| It is proper however to deduct from this the amount of 5 per cent. Bank scrip and interest, provision being made for their redemption by the Common School Fund derived from Bank profits through the Sinking Fund Commissioners, - - - - - | |
| | <u>237,275 00</u> |

| | |
|--|---------------------|
| Leaving the amount of Domestic Debt to be met by State Revenue, the sum of - - - - - | <u>\$215,530 00</u> |
|--|---------------------|

* * * * *

VII. EXPLANATION OF TABULAR STATEMENTS.

Tabular Statement No. 1 exhibits, in a brief form, the settlements with the Treasurers of the respective counties, on account of the revenue of 1848. It was estimated, in the last annual report, that \$424,765 43 would be realized from the County Treasurers, arising from the revenue of 1848 and previous delinquencies. It will be seen that the amount due from them, according to their settlement sheets, is \$432,283 78, which exceeds the estimate \$7,518 34; and it affords me very great pleasure to state further, *that the entire amount due has been paid into the Treasury.* This promptitude on the part of the citizens of Indiana in meeting the impositions upon them, and the fidelity with which the officers entrusted with the collections

have discharged their duties, cannot fail to be a source of high gratification to all who feel an interest in the welfare and character of the State; especially when it is remembered that a very large proportion of the revenue collected is applied to the payment of the interest on money borrowed from which but little benefit is derived, and several millions of which were in fact never received at all.

The late Treasurer of the County of Adams—with whom, in consequence of a difficulty between him and the county authorities, no settlement had been made of the amount due from him for 1847, and from whom at the date of the last annual report no part of the revenue of Adams county for that year had been paid—came forward, in July last, and paid to the State Treasury the sum of \$1,445. To what amount he may still be indebted on account of the revenue of 1847, and previous delinquencies, there is no means at this office of ascertaining. In my last report reference was made to the difficulties which occurred between him and the County Board, and the suit which grew out of them. It is not apprehended that the State will ultimately sustain any loss.

The trifling balances reported last year as due from two or three Treasurers in consequence of inaccuracy in the settlements, have been all adjusted.

The Tabular Statement above mentioned exhibits the following collections for State purposes, viz:

| | | | |
|--|---|---|--------------|
| Of the assessments for 1848, - | - | - | \$423,127 57 |
| Of the assessments for previous years, - | - | - | 36,956 67 |
| Total amount collected, - | - | - | \$460,084 24 |

From which deduct as follows, viz:

| | |
|---|------------------|
| Treasurer's per centage for collection, - | \$18,663 81 |
| Treasurer's mileage, - | 1,360 21 |
| Costs of printing, - | 691 94 |
| Erroneous Assessments, &c., - | 6,898 56 |
| Payments at State Treasury, - | 185 94 |
| | <u>27,800 46</u> |

| | |
|---|--------------|
| Leaving due to the Treasury the sum of, - | \$432,283 78 |
| The amount paid by the Treasurers was - | 432,288 04 |

| | | | |
|--------------------|---|---|--------|
| Amount overpaid, - | - | - | \$4 26 |
|--------------------|---|---|--------|

Tabular Statement No. 2 shows the amount charged on the duplicates for 1848 in each county, for State, county, road, and township purposes, and the amount returned delinquent on each account. The taxes assessed for 1848 were as follows, viz:

| | | | |
|------------------------|---|---|--------------|
| Amount of State tax, - | - | - | \$493,518 34 |
|------------------------|---|---|--------------|

| | | | |
|---------------------------------------|---|---|------------|
| Amount of county tax, - | - | - | 395,511 08 |
| Amount of road tax, - | - | - | 150,564 82 |
| Amount of school tax, - | - | - | 20,675 56 |
| Amount of township and other taxes, - | - | - | 21,106 88 |

| | | | |
|-----------------------------------|---|---|----------------|
| Total amount for 1848, - | - | - | \$1,081,376 68 |
| Delinquencies for former years, - | - | - | 143,510 25 |

| | | | |
|---------------------------------------|---|---|----------------|
| Total charges on duplicate of 1848, - | - | - | \$1,224,886 93 |
|---------------------------------------|---|---|----------------|

Of this assessment the following amounts have been returned delinquent, viz:

| | |
|--------------------------------------|-------------------|
| Amount of State tax delinquent, - | \$75,487 23 |
| Amount of county tax delinquent, - | 63,222 41 |
| Amount of road tax delinquent, - | 22,504 76 |
| Amount of school tax delinquent, - | 4,005 56 |
| Amount of township tax delinquent, - | 4,102 27 |
| | <u>169,322 23</u> |

| | | | |
|--|---|---|-----------|
| Amount of former delinquencies still delinquent, - | - | - | 54,125 14 |
|--|---|---|-----------|

| | | | |
|-------------------------------------|---|---|------------|
| Total amount returned delinquent, - | - | - | 223,447 37 |
|-------------------------------------|---|---|------------|

| | | | |
|--|---|---|--------------|
| Amount collected for all purposes on the duplicates of 1848, - | - | - | 1,001,439 56 |
| Amount collected in 1847 for all purposes, - | - | - | 952,050 87 |

| | | | |
|--|---|---|-------------|
| Increase in last year's collections, - | - | - | \$49,388 69 |
|--|---|---|-------------|

The rate of delinquency in the assessments of 1848 is \$15 65 on the hundred dollars, and on the entire amount charged on the duplicates of 1848 \$18 24. The average rate of delinquency is much increased by a very large delinquency in a few counties. One county shows a delinquency of \$15,597 72, another shows a delinquency of \$10,838 14, another of \$7,938 82, three others show each a delinquency exceeding \$5,000, and fifteen others show respectively a delinquency of over \$3,000. These large sums returned in a portion of the counties—much of which will in all probability never be collected, and therefore might better be struck off the duplicate—very much increase the average rate of delinquency, and, unexplained, do injustice to those counties whose delinquencies are very small. The average rate of delinquency in the counties of Union, Gibson, Warrick, Rush, Henry, Fayette, and Washington, is \$4 07 on the hundred; and in several other counties the delinquency is from \$5 to \$8 on the hundred.

Tabular Statement No. 3 will show the amount of taxes placed on the duplicates for 1849, in the several counties of the State, with the exception of Cass, Fountain, Jackson, Lake, Pulaski, Spencer, and Whitley, from which no returns have been received. Estimating those counties as they were last year, (which is no doubt considerably below the amount the returns of this year would have

shown if they could have been obtained,) and the taxes assessed for 1849 and the delinquencies of former years placed on the duplicates of the present year, would be as follows, viz :

| | | | | |
|--|---|---|-------------|----|
| Amount assessed for State purposes, | - | - | \$508,537 | 81 |
| Amount assessed for County purposes, | - | - | 433,520 | 77 |
| Amount assessed for Road purposes, | - | - | 121,461 | 47 |
| Amount assessed for School purposes, | - | - | 52,516 | 54 |
| Amount assessed for Township and other purposes, | - | - | 23,072 | 12 |
| <hr/> | | | | |
| Total amount assessed for 1849, | - | - | \$1,139,108 | 71 |
| To which add delinquencies of former years placed on the duplicates of 1849, | - | - | 163,093 | 38 |
| <hr/> | | | | |
| Total charge on duplicates of 1849, | - | - | \$1,302,202 | 09 |

The amount of State revenue which will probably be paid into the State Treasury, on account of collections on the duplicates of 1849, may be estimated as follows :

| | | | | |
|---------------------------------|---|---|-----------|----|
| Amount of assessments as above, | - | - | \$508,537 | 81 |
| Probable delinquency, | - | - | \$85,000 | |
| Treasurer's per centage, | - | - | 20,000 | |
| Treasurer's mileage, | - | - | 1,362 | |
| Costs of printing, | - | - | 500 | |
| Other deductions, | - | - | 2,000 | |
| <hr/> | | | | |
| | | | \$108,862 | 00 |

| | | | | |
|---|---|---|-----------|----|
| Amount from Treasurers on account of revenue of 1849, | - | - | \$390,675 | 81 |
| Amount of delinquencies which will be collected, | - | - | 40,000 | 00 |
| Add tax on individual stock in the State Bank, | - | - | 5,000 | 00 |
| <hr/> | | | | |
| Total estimated receipts from revenue of 1849, | | | \$444,675 | 81 |

Tabular Statement No. 4 shows the number of acres, the value of lands, improvements, town lots and buildings, corporation stock, personal property, the total value of all taxables, and the number of polls returned for 1849; with the increase and decrease on personal property, on the total value of taxables, and in the number of polls, in all the counties, except the seven previously mentioned from which returns have not been received. Taking the counties not returned as they were last year, (which is much below what a return for this year would have shown,) and the taxables for 1849 compared with those of 1848 will be as follows, viz :

| | | | | |
|---------------------------------|---|---|------------|--|
| Acres of land assessed in 1849, | - | - | 16,883,570 | |
| Acres of land assessed in 1848, | - | - | 16,623,091 | |
| <hr/> | | | | |
| Increase, | - | - | 260,479 | |

| | | | | |
|---|---|---|---------------|--|
| Value of lands in 1849, | - | - | \$58,749,653 | |
| Value of lands in 1848, | - | - | 58,290,434 | |
| <hr/> | | | | |
| Increase, | - | - | \$459,219 | |
| <hr/> | | | | |
| Value of improvements in 1849, | - | - | \$24,599,300 | |
| Value of improvements in 1848, | - | - | 24,088,074 | |
| <hr/> | | | | |
| Increase, | - | - | \$511,226 | |
| <hr/> | | | | |
| Value of town lots and buildings in 1849, | - | - | \$15,242,728 | |
| Value of town lots and buildings in 1848, | - | - | 14,392,136 | |
| <hr/> | | | | |
| Increase, | - | - | \$850,592 | |
| <hr/> | | | | |
| Value of corporation stock in 1849, | - | - | \$122,364 | |
| Value of corporation stock in 1848, | - | - | 130,170 | |
| <hr/> | | | | |
| Decrease, | - | - | \$7,806 | |
| <hr/> | | | | |
| Value of personal property in 1849, | - | - | \$34,705,016 | |
| Value of personal property in 1848, | - | - | 32,072,895 | |
| <hr/> | | | | |
| Increase, | - | - | \$2,632,121 | |
| <hr/> | | | | |
| Value of all taxables in 1849, | - | - | \$133,419,056 | |
| Value of all taxables in 1848, | - | - | 128,960,986 | |
| <hr/> | | | | |
| Increase, | - | - | \$4,458,070 | |
| <hr/> | | | | |
| Polls returned in 1849, | - | - | 143,720 | |
| Polls returned in 1848, | - | - | 136,265 | |
| <hr/> | | | | |
| Increase, | - | - | 7,455 | |

It will thus be seen that the increase in the taxable property, as well as in the number of polls, exceeds the most sanguine calculations. Could the returns have been received from the counties above mentioned—and the failure was not owing to a want of effort on the part of this office to obtain them—a considerably larger increase would have been shown. The taxable property, at the present low valuation, amounts, as will be seen, to about \$134,000,000, and the number of polls is about 144,000. By an estimate made in the annual report from this office two years ago of the probable annual increase of taxables and polls for several years, the amount calculated for 1849 was 136,000 polls, and \$130,000,000 of taxable

property. There is every reason to suppose that the increase will be still more rapid in coming years. In portions of the State where Railroads are completed, or are in rapid progress, the value of some kinds of property has, within a few years, increased fifty per cent. This additional value, however, is not assessed, for the reason that the taxable value of lands remains as it was fixed by the general valuation of real estate in 1846.

DOUGLASS MAGUIRE,
Auditor of State.

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|---|---|----|
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